

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF IOWA

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PAUL DORR, AND ALEXANDER  
DORR, individually and on behalf of all  
other persons similarly situated,

Court File No. 5:08-CV-04093

Plaintiffs,

vs.

DOUGLAS L. WEBER, individually  
and in his capacity as Sheriff of Osceola  
County; and OSCEOLA COUNTY,  
IOWA,

Defendants.

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# ORIGINAL

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF IOWA

3 \* \* \* \* \*

4 PAUL DORR and ALEXANDER DORR, \* File No. 5:08-CV-04093  
5 individually and on behalf of all  
5 other persons similarly situated, \*

6 Plaintiffs, \*

7 vs. \* **DEPOSITION OF**

8 DOUGLAS L. WEBER, individually and \* **DOUGLAS L. WEBER**  
9 in his capacity as Sheriff, and his  
9 successors, THE OSCEOLA COUNTY \*  
10 SHERRIF'S DEPARTMENT, IOWA, and  
10 OSCEOLA COUNTY, IOWA, \*

11 Defendants. \*

12 \* \* \* \* \*

13 The deposition of Douglas L. Weber was taken on behalf of  
14 the Plaintiffs at the Osceola County Courthouse in Sibley,  
15 Iowa on Monday, November 30, 2009 commencing at 10:00 a.m.

## 16 APPEARANCES

17 For the Plaintiffs: MR. VINCENT J. FAHNLANDER  
18 Attorney at Law  
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19 Minneapolis, Minnesota 55402

20 For the Defendants: MR. DOUGLAS L. PHILLIPS  
21 Attorney at Law  
4280 Sergeant Road, Suite 290  
21 Sioux City, Iowa 51106

22 Other Appearances: Paul R. Dorr

23  
24 Reported By: Jenna L. Mumm, CSR  
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## STIPULATION

2 IT IS STIPULATED and agreed by and between the parties  
3 hereto by their respective counsel of record, whose  
4 appearances have been hereinbefore noted, that the  
5 deposition of DOUGLAS L. WEBER may be taken at the Osceola  
6 County Courthouse on November 30, 2009 before Jenna L. Mumm,  
7 Certified Shorthand Reporter for the State of Iowa;

8 That said deposition is taken for the purpose of  
9 discovery or for such use at trial as permitted under the  
10 Federal Rules of Civil Procedure or for each of said  
11 purposes;

12 That all objections may be reserved until the time of  
13 trial except objections relating to the form of the question  
14 and the responsiveness of the answer.

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## PROCEEDINGS

DOUGLAS L. WEBER

3 having been duly sworn, was examined and testified as  
4 follows:

**DIRECT EXAMINATION**

BY MR. FAHNLANDER:

7 Q Good morning, Sheriff.

8 A Good morning.

9 Q Could I have you state your name for the record,  
10 please?

11 A Douglas L. Weber.

12 Q And your-- your position, your employer?

13 A Osceola County Sheriff.

14 Q Okay. And how long have you been the Osceola County  
15 Sheriff?

16 A Since January 1st of 2005.

17 Q And have you ever had your deposition taken before?

18 A Yes.

19 Q Okay. I'll just go over a few of the ground rules just  
20 to make sure that we're all on the same page. I'm here to  
21 ask you some questions and-- and you are here to provide  
22 answers, and both of our-- my questions and your answers are  
23 under oath just as if you were in a court of law. You  
24 understand that?

25 A Yes.

1 Q And I would like you to answer audibly as opposed to  
2 nodding or shaking your head. Is that okay?

3 A Yes.

4 Q And then uh-huhs and huh-uhs are difficult for the--  
5 the court reporter to transcribe, so I would ask you to  
6 make-- answer yes or no and then provide whatever additional  
7 response is necessary. Is that okay?

8 A Yes.

9 Q If you don't understand any of my questions, you could  
10 ask me to repeat them or restate them and I will do so. If  
11 you answer the questions we'll assume you understood the  
12 questions. Is that okay?

13 A Yes.

14 Q And if you need a break or something along the way,  
15 certainly you may ask for a break and-- we're not here to  
16 torture anyone or to make it uncomfortable for anyone. Is  
17 that all right?

18 A Yes.

19 Q Okay. I'd like to get a little bit of information  
20 about your background. I understand you went to-- was it  
21 NIACC?

22 A Yes.

23 Q And what did you study at NIACC?

24 A Initially I was-- well, I was in the music program and  
25 the law enforcement program.

1 Q Okay. And that's a two-year school, correct?

2 A Correct.

3 Q Were you in Quad Levit? You know what that is?

4 A No.

5 Q Okay. It's-- my wife went to NIACC also, and there's a

6 musical in the spring or something called Quad Levit.

7 A I don't think that was maybe there when I was there.

8 I'm not familiar with that.

9 Q Okay. And did you get a degree from NIACC?

10 A Yes.

11 Q And what was that degree in?

12 A Well, I have actually two. I have one in law

13 enforcement, one in-- an associate's degree in music.

14 Q Okay. So associate degrees in both?

15 A Right.

16 Q Okay. And-- and then you went to Upper Iowa?

17 A Correct.

18 Q And what did you study there?

19 A I have-- well, I-- I studied some music, but then I-- I

20 completed my degree in public administration, my Bachelor of

21 Science.

22 Q And so you ended up with a bachelor's in public

23 administration?

24 A Correct.

25 Q And did you get a minor in music or anything?

1 A Not from there, no.

2 Q Okay. Did you have some other college education?

3 A Well, I've taken different classes, but not-- not--

4 that's the only degree I have.

5 Q Okay. And-- and what other classes did you take and at

6 what institutions?

7 A Well, at NCC I've taken public-- or I've taken social

8 problems.

9 Q Where was that again?

10 A In Sheldon, North Iowa Community College.

11 Q Okay.

12 A Taken small engine repair, home electrical, other

13 vocational type things.

14 Q Okay. And what is-- that's in Sheldon?

15 A Yes.

16 Q Is it Northwest Iowa Tech?

17 A It used to be. Now they call it-- I believe they call

18 it Northwest Iowa Community College.

19 Q Okay.

20 A It used to be "Technical College," I believe.

21 Q Okay. And where'd you go to high school?

22 A Mason City.

23 Q Mason City High?

24 A Uh-huh (yes).

25 Q Okay. What year did you graduate from Mason City?

1 A '74.

2 Q And you were at NIACC for, what, '75, '76?

3 A Correct.

4 Q And Upper Iowa '76 to '78 or thereabouts?

5 A Just one year at Upper Iowa.

6 Q Okay. And what year would that have been?

7 A Seventy-- '76, '77.

8 Q Okay. And then you graduated in '77?

9 A No. I completed it later. I didn't complete it at  
10 that time. I completed it-- the degree later.

11 Q And when did you complete your degree?

12 A I think it was 2000 or '99 or-- I think the diploma  
13 says, "2000." I completed it in '99, but the diploma says,  
14 "2000," I believe.

15 Q And what did you do after leaving Upper Iowa College?

16 A I took some additional classes at NIACC and then I got  
17 a job in Sanborn, Iowa as a police officer in '78.

18 Q And what was your position at Sanborn Police?

19 A Just patrolman, police officer.

20 Q Okay. And how many people were on the force there?

21 A Just two of us, well, two-- there's a part-time, two  
22 and a half.

23 Q And how long were you a Sanborn police officer?

24 A About a year, and then I was hired up here the next  
25 year, in '79.

1 Q And have you been with the Osceola County Sheriff's  
2 Department ever since 1979?

3 A Yes.

4 Q And tell me all your-- all your positions you've had  
5 with Osceola County since you were first hired.

6 A Well, I was hired as a deputy and-- I'm not sure what  
7 you mean by positions. I-- I was promoted to first deputy,  
8 I've been chief deputy and then I've been sheriff.

9 Q Okay. Do the-- do the duties differ between being a  
10 deputy and a first deputy?

11 A Not necessarily. I mean, I had some different  
12 responsibilities, but...

13 Q What were some of the different responsibilities?

14 A I-- interviewing and investigation type work.

15 Q That's something that a first deputy does, but a deputy  
16 doesn't do?

17 A No, but I-- I was, you know-- it wasn't a-- a formal  
18 recognition, I guess, but that's what some of my duties  
19 were.

20 Q As a first deputy you're talking about now?

21 A Well, even before that I was doing that and...

22 Q Okay. And what about as a chief deputy, do those  
23 duties differ from being a deputy or a first deputy?

24 A A little bit. I was given some personnel issues to  
25 take care of, doing the scheduling, still doing the

1 investigative work and still doing the patrol function,  
2 responding to accidents and that sort of thing.

3 Q Okay. And I should probably ask this too. What were  
4 the duties of the-- of a deputy, for example, when you were  
5 first hired?

6 A What-- what are the duties?

7 Q Yeah, what were-- what were your duties?

8 A General-- general law enforcement.

9 Q And tell me what that means.

10 A I mean, the Code, it spells out quite a few of them. I  
11 mean, it just-- generally just investigating all crimes,  
12 complaints, answering all calls for service, responding to  
13 investigating-- accident investigations, had jail duties.  
14 We had to take care of inmates, booking them in and out of  
15 jail, transporting prisoners, testifying in court, serving  
16 civil papers.

17 Q And tell me-- tell me a little bit about what goes--  
18 what you mean by investigations. What goes into an  
19 investigation?

20 A A criminal investigation?

21 Q Yes. And let me-- let me stop you for a second. Is  
22 there a difference between a criminal investigation and some  
23 other type of investigation?

24 A Well, if you have to prove something beyond a  
25 reasonable doubt, yeah, there could be.

1 Q Okay. And I just want to-- when I asked about  
2 investigations, you asked, "Criminal investigations?" and  
3 I'm just trying to figure out, is there a difference between  
4 a criminal investigation and some other kind of  
5 investigation?

6 A Well, there could be. It depends what it is, I guess.

7 Q Okay. Well, tell me what goes into an investigation,  
8 then.

9 A Well, just the basics, get the who, the what, where,  
10 when, how and why, that sort of thing. It depends what kind  
11 of case it is and...

12 Q And what's the purpose of doing an investigation?

13 A It is to get to what happened.

14 Q Okay. And to figure out whether a crime has been  
15 committed?

16 A Well, yes. You know, we look a little bit further down  
17 the road on a criminal investigation. I mean, I'm sure  
18 you're aware we can make an arrest on probable cause, but we  
19 don't-- as we look down the road, can we prove this in court  
20 beyond a reasonable doubt, so...

21 Q But would part of the investigation process be to  
22 determine whether-- whether a crime has been committed and  
23 whether to charge someone with a crime? Would that be part  
24 of the--

25 A Correct.

1 Q Okay. And is-- is part of your duties-- oh, and let me  
2 back up now. Were the-- was there a time period during  
3 which you became the first deputy and became the chief  
4 deputy? Was there a clear time period when you switched  
5 from being a deputy to a first deputy and then--

6 A Yes.

7 Q Okay. What was that time period?

8 A I-- I can't tell you the exact dates.

9 Q Okay. Do you remember the approximate year?

10 A Probably-- approximately, I could tell you, probably  
11 first deputy around '89, 1989, and chief deputy probably  
12 around 1996.

13 Q And then you became sheriff in 2005?

14 A Correct.

15 Q And you ran for election in 2004, November of 2004,  
16 that was when the election was, then you were sworn in  
17 January 1 of 2005?

18 A Correct.

19 Q And what are the duties of the sheriff?

20 A Well, then again, the Code spells out-- it's quite a  
21 long list and I can't quote it for verbatim to you, but--

22 Q Sure. That's-- what in general are the duties of the  
23 sheriff?

24 A General is your basic law enforcement duties,  
25 maintaining the county jail and overseeing the civil

1 process. That would-- you know, that's the three main  
2 things we do.

3 Q And when you say, "civil process," what do you mean by  
4 that?

5 A Securing garnishments, serving civil papers, levies,  
6 just various civil duties, serving subpoenas.

7 Q And what goes into, is it, maintaining the jail? Is  
8 that what you said?

9 A Overseeing and that.

10 Q Overseeing the jail?

11 A Maintaining, running the jail and the inmates and...

12 Q Okay. Where-- where in this-- in those three prongs  
13 would granting or denying gun permits fall?

14 A I suppose, under the law enforcement part.

15 Q Okay. And as a law enforcement person, as a deputy,  
16 first deputy, chief deputy and sheriff, have you had  
17 additional education or training?

18 A In law enforcement, yes.

19 Q Okay. And what sort of training-- additional training  
20 have you had?

21 A Well, obviously I've been through the law enforcement  
22 academy, had some other law enforcement training in  
23 interviewing.

24 Q Where's the law enforcement academy?

25 A Camp Dodge, Johnston, Iowa.

1 Q And how long of a camp is that-- or academy is that?

2 A Right now it's 12 weeks.

3 Q And when did you graduate from there?

4 A In '79. I attended a-- a satellite course that was at  
5 NCC in Sheldon. And back then they had some of those around  
6 the state where they did the training off-sight, off of Camp  
7 Dodge, and did them at maybe a community college.

8 Q Okay. And have you had additional training beyond the  
9 camp-- the law enforcement academy?

10 A Yes.

11 Q I think you described some additional-- and what are  
12 the courses or studies that you've had since--

13 A Well, various-- various law enforcement courses, like I  
14 said, interviewing techniques, drug investigation,  
15 leadership courses, hazardous materials. Just trying to  
16 think through the years now. It's--

17 Q Is there an annual requirement or something?

18 A Yes, 12 hours.

19 Q 12 hours per year?

20 A Yes.

21 Q Have you-- and during-- during what time period-- or  
22 during what-- which of your positions has handling gun  
23 permitting or handgun permitting been part of your  
24 responsibilities?

25 A As sheriff.

1 Q Just as sheriff?

2 A Yeah.

3 Q Did you-- were you involved in any of that when you  
4 were a deputy?

5 A No.

6 Q Okay. And did you-- have you had any training  
7 regarding granting or denying gun permits?

8 A No specific training, no.

9 Q And when you say, "no specific," is there something  
10 else that-- that--

11 A Well, just reviewing the Code, reading that.

12 Q And when you say, "the Code," you mean the Iowa Code?

13 A Right, Iowa Code, talking to the previous sheriff, but  
14 not a formal class that you would take, if that's what you  
15 mean.

16 Q Okay. And when you say, "talking to the previous  
17 sheriff," who are you talking about?

18 A Ed Harskamp.

19 Q And when did you talk to Sheriff Harskamp regarding  
20 permitting of guns?

21 A Oh, I can't give you the exact date, but it was  
22 sometime in 2004 while he was still in office and, you know,  
23 I wasn't the sheriff yet.

24 Q Did you have those conversation-- was it one  
25 conversation or a number of conversations?

1 A I've talked to him more than once on it, but I can't  
2 tell you exactly, you know, when, how many times.

3 Q Okay. Would they-- would those conversations have been  
4 before you were elected sheriff or after you were elected  
5 sheriff?

6 A Both.

7 Q Okay. Some before and some after you were elected?

8 A Right.

9 Q Okay. And since you were-- have been sworn in have you  
10 had any conversations with him about the gun permitting  
11 process?

12 A Yes.

13 Q Okay. And what would the purpose of your conversations  
14 with Sheriff Harskamp have been regarding the gun permitting  
15 process?

16 A Just asking him, you know, how does this work, what do  
17 you-- what do you normally do and what the procedure was  
18 and...

19 Q And what did he tell you about those issues?

20 A Well, he just-- just looks over the application and,  
21 you know, whether or not he knows the person. He told me it  
22 was up to the sheriff's discretion whether a permit is  
23 issued or not.

24 Q And did he tell you about any factors that go into  
25 whether-- whether to grant a permit or not to grant a

1 permit?

2 A Not that I recall, no.

3 Q And do you understand there to be any-- any limitations  
4 to the sheriff's discretion or is it unlimited discretion?

5 A I would-- I'm not sure, I guess, just sheriff's  
6 discretion on it.

7 Q Okay. In your mind are there any limitations on how  
8 you exercise that discretion?

9 A Not-- not that I can think of, no.

10 Q Did Sheriff Harskamp say anything to you about  
11 conducting a-- an investigation into someone's application  
12 in making a decision about whether to grant a permit or to  
13 deny a permit?

14 A No.

15 Q And did you have-- have you had any conversations with  
16 Sheriff Harskamp about what you do to reasonably determine  
17 whether to grant a permit or-- or to deny a permit?

18 A Well, I asked him about an application in '98, but that  
19 was the only-- the only time that I can think of where I  
20 asked him that question.

21 Q You asked Sheriff Harskamp about an application in  
22 1998?

23 A I mean, that was from 1998.

24 Q Okay. Was it a particular person's application or  
25 just--

1 A Yes.

2 Q Okay. And whose application was that?

3 A Mr. Dorr's.

4 Q And when did you ask Sheriff Harskamp about Mr. Dorr's  
5 application from 1998?

6 A Oh, I'm not-- I'm not sure, maybe a year ago or so.

7 It's been a little while.

8 Q Okay. So you're saying sometime in 2008?

9 A It could have been. I'd have to look and see if I made  
10 a notation of that, but I came across that application and I  
11 asked him what-- what his thinking was on that particular  
12 application.

13 Q And why-- and when you say, "Mr. Dorr," you're talking  
14 about Paul Dorr?

15 A Yes.

16 Q Okay. And why did you ask specifically about the 1998  
17 application?

18 A Well, there was a lengthy response on the justification  
19 by Mr. Dorr and there was nothing written on the bottom by  
20 Sheriff Harskamp, so I asked him what-- "What did you do?  
21 What was your actions on this? There's no notation on it."  
22 And he told me that he denied that application because the  
23 writing was kind of bizarre, it was unusual so he denied it,  
24 and then I think the next year, I think, he granted the  
25 permit to carry.

1 Q In 1999?

2 A Correct.

3 Q Paul Dorr reapplied, and that permit was granted?

4 A That's my understanding. I'd have to look at the  
5 records or clarify that with Ed Harskamp, but I was  
6 interested in the '98 one because there was no-- it wasn't  
7 marked approved, it wasn't marked denial-- denied.

8 Q Okay. And so you were wondering whether it was  
9 approved or denied?

10 A Correct.

11 Q And he told you that it was denied?

12 A Yes.

13 Q Okay. And where does Mr. Harskamp-- or Sheriff  
14 Harskamp live now?

15 A In Sibley.

16 Q Okay. Is he-- is he working or is he retired or...

17 A He's-- he's retired.

18 Q Retired? Now, is this-- this conversation and this  
19 discussion about Paul Dorr's 1998 application, is that  
20 something that-- is that a conversation or an inquiry you--  
21 you made after Paul Dorr filed his lawsuit?

22 A You know, I don't know for sure.

23 Q Okay.

24 A It-- it could-- could have been.

25 Q And, now, there's an Iowa Code Section 724.8 that deals

1 with the concealed carry permit application; is that  
2 correct?

3 A Correct.

4 Q And-- and so that contains a number of factors to-- to  
5 analyze in determining whether to grant or deny a permit,  
6 correct?

7 A Correct.

8 Q And did you-- did you have a discussion about which of  
9 those factors led to Sheriff Harskamp's denial of Paul  
10 Dorr's 1998 application?

11 A No.

12 Q And do you believe that, as the sheriff, you need to  
13 decide under one of those factors or another-- or that you  
14 have to make a decision under one of the factors as to  
15 whether to-- to deny or grant an application?

16 A Just those factors?

17 Q Yes.

18 A Well, not just that. I mean, there is the discretion  
19 that comes into play.

20 Q Okay. So it's your belief that someone could pass  
21 every one of those factors and you could still deny the  
22 application?

23 A Correct.

24 Q Okay. Would that lead to somewhat random results, in  
25 your opinion?

1 A No.

2 Q Well, you could-- would you agree that-- that someone  
3 could pass all those factors and be given a permit and then  
4 someone else could pass all those factors and be denied a  
5 permit? Do you agree that that could happen under how  
6 you've described the process?

7 A I'm sorry. Could you repeat-- or rephrase that or  
8 repeat it?

9 Q Okay. Well, if someone-- if someone-- if one applicant  
10 passes all those criteria in the Code and is given a permit  
11 and then someone else passes all those criteria and then is  
12 denied a permit, do you believe that's a-- a random result?

13 A Well, I don't know. I can just speak for myself, and  
14 I'm not doing anything in a random manner. Okay? I-- you  
15 know, I don't know what the rest of the state's doing, the  
16 other counties. My decisions aren't random.

17 Q Okay. And what are they based on, your decisions?

18 A Well, like you just said, the criteria in the-- in the  
19 Code, and the discretion that comes into play is on a  
20 person's reputation, reputation in the community, their  
21 neighborhood.

22 Q And when you're-- when you're basing those decisions  
23 on-- on your own discretion and what you believe is the  
24 reputation of the applicant, do you believe that those  
25 results could be somewhat unfair?

1 A What do you mean, be unfair?

2 Q Well, do you think it might be unfair to-- for one  
3 applicant to be-- to pass all the criteria and be denied a  
4 permit and another applicant to pass all the criteria and be  
5 granted a permit? Do you think that's unfair?

6 A No. It depends what the-- what all the circumstances  
7 are in-- in the situation.

8 Q And-- and what other circumstances? I'm trying to get  
9 at what all the circumstances are.

10 A Well, I'm just talking about like a person's  
11 reputation. I don't see how that--

12 Q Is that-- is that it?

13 A Well, right. I don't see how that's unfair if you take  
14 that into consideration.

15 Q Okay. Is--

16 A For example-- maybe I'm not being clear enough. For  
17 example, as sheriff and as a law enforcement officer I  
18 hear-- you hear a lot of things. And I could have  
19 information on, say, somebody that's a drug dealer who  
20 doesn't have a criminal record or hasn't been arrested and  
21 maybe we're trying to build one, but we don't have enough  
22 intel to-- to charge a person, so-- but their reputation is  
23 that they're a drug dealer or drug user or something like  
24 that. So that could-- that could be a factor--

25 Q Okay.

1 A -- if that makes sense.

2 Q Sure. And in the situation that you've just described,  
3 you're describing a situation where someone is breaking the  
4 law, but you just haven't proved it yet?

5 A Correct.

6 Q Okay. And are there any other sort of circumstances  
7 that-- that would lead you to-- to deny someone an  
8 application even if-- if they pass the criteria in the  
9 statute?

10 A Well, like I just said, if I had some real concerns  
11 that-- because of a person's reputation, that they could be  
12 a danger or-- then I would use my discretion to deny the  
13 application.

14 Q And what-- what sort of concerns would lead you to  
15 consider someone being a danger?

16 A Well, it could be a number of things, just could be  
17 their-- their mental state, how they behave, how they treat  
18 other people.

19 Q Any other factors?

20 A I'm-- I'm sure there is. I can't think of any right--  
21 right at the moment.

22 Q Okay. Would you agree that making a decision about  
23 someone's reputation is-- is fairly subjective?

24 A No. I mean, it's...

25 Q Would you agree with me that two people could analyze

1 someone's reputation and-- and come up to-- with different  
2 results about what that person's reputation is?

3 A It-- it could, yeah.

4 Q Have you had any conversations with other sheriffs or  
5 any other law enforcement about-- other than Sheriff  
6 Harskamp, about the process for granting or denying handgun  
7 permits?

8 A The process?

9 Q Yes.

10 A Not about the actual process, no.

11 Q Okay. Have you talked to other sheriffs in other  
12 counties about the process they use for determining whether  
13 to grant or deny a concealed carry permit?

14 A Not-- not the process, no, not directly, no.

15 Q Okay. Have you had-- it sounds like you've had some  
16 other conversations with other sheriffs about something  
17 relating to this.

18 A I've-- I've seen some e-mails on it. I believe there  
19 was a meeting in Des Moines about-- talking about this same  
20 issue, yeah, because there's some talk about changing the  
21 law from shall-- from may issue to shall issue.

22 Q Okay. And when have you seen those e-mails?

23 A Oh, just the past year, I guess.

24 Q And are those-- who are those e-mails from?

25 A Well, I think-- I think it was through the Iowa

1 Sheriffs and Deputies Association.

2 Q And those are, as you say, within the last year?

3 A I believe so, yes.

4 Q So prior to, say, July 2007 you don't recall seeing any  
5 e-mails regarding issuing or denying permits to carry a  
6 handgun?

7 A I don't recall that, no.

8 Q Okay. And just by way of terminology, some-- you know,  
9 I'll refer to the concealed carry permitting process and  
10 sometimes I may say, "handgun permitting process." Do you  
11 understand what I'm saying if I'm talking about the  
12 permitting process or the handgun permitting process?

13 A You mean like it's gonna be the same thing?

14 Q Yes.

15 A Okay. Yes.

16 Q So I may say, "concealed carry process." I'm talking  
17 about the same process of the sheriff determining whether to  
18 grant a handgun permit to concealed carry. Is that clear  
19 enough for you to understand and--

20 A Yes.

21 Q Okay. I just want to make sure that we're on-- we  
22 understand each other. So prior to July 2007 do you recall  
23 receiving e-mails from other sheriffs or any information  
24 from other sheriffs about the handgun permitting process?

25 A No. No, I don't.

1 Q And have you received any-- any information about the  
2 handgun permitting process from the Iowa Attorney General or  
3 any other law enforcement bodies?

4 A Not the attorney general. From the Department of  
5 Public Safety I've received some information. There's the--  
6 basically talks about what the Code of Iowa states.

7 Q And when do you recall receiving information from the  
8 Department of Public Safety?

9 A Well, in-- within the past two years.

10 Q And within the past two years, that takes us back to  
11 November of '09. Is-- is that the time period or does it--

12 A November of '07?

13 Q I'm sorry, November of '07.

14 A Yeah, right.

15 Q Okay. So that's information you would have received  
16 after you denied Paul Dorr's 2007 permit?

17 A Correct.

18 Q That's-- okay. And did you solicit some information  
19 from the Department of Public Safety or did they send you  
20 that information unsolicited?

21 A I-- I asked for it.

22 Q And why did you ask for that information?

23 A Just to see if there was something I wasn't aware of or  
24 that I missed.

25 Q What do you mean by that?

1 A Well, I just wanted to-- to verify that I was following  
2 the Code. And the person there that oversees that is Sam  
3 Knowles with a "K."

4 Q I'm sorry?

5 A Sam Knowles.

6 Q K-n-o-l-l-s?

7 A L-E-S, I think.

8 Q Okay.

9 A And he-- he pretty much reiterated the Code of Iowa and  
10 then he said, "Also remember, Sheriff, that you can use your  
11 discretion on issuing permits to carry."

12 Q Okay. Was-- was that a communication you made about  
13 Mr. Knowles specifically to-- in regard to Paul Dorr's  
14 application?

15 A Correct. Yeah, that's why, yes.

16 Q Okay. Did the Iowa Sheriffs-- or I'm sorry. Let me  
17 strike that. Did the Department of Public Safety give you  
18 any information about how you reasonably determine whether  
19 an applicant constitutes a danger?

20 A Not that I recall, no.

21 Q And has any other law enforcement provided you any  
22 information about how you as the sheriff reasonably  
23 determine whether an applicant constitutes a danger to any  
24 person?

25 A Not that I recall.

1 Q And that's just something that you believe you have the  
2 discretion to determine?

3 A Yes.

4 Q Do you believe that you as the sheriff have any  
5 obligation to conduct an investigation to determine what  
6 constitutes a reasonable determination that an applicant  
7 constitutes a danger?

8 A Could-- could you repeat that, please?

9 Q Sure.

10 A I want to make sure. (The last question was read  
11 back.) I believe the applicant needs to convince me that  
12 they're a good guy or a good person.

13 Q Okay. So the-- the applicant has the burden of proof,  
14 in your mind?

15 A Yes.

16 Q And what-- what is the standard of that burden of  
17 proof? Do you understand my question?

18 A I-- I don't know how to answer, sir.

19 Q Well, for example, in a criminal case you understand  
20 that law enforcement has the burden to prove beyond a  
21 reasonable doubt the guilt of a-- of a person before they're  
22 convicted. You understand that--

23 A Yeah.

24 Q -- burden of proof, correct? Do you-- is that the same  
25 burden of proof that you use in determining whether an

1 applicant gets a permit or not?

2 A Well-- well, a criminal investigation is a different--  
3 whole different animal, in my opinion.

4 Q Sure. I'm just trying to figure out, in your mind what  
5 is the standard for an applicant to convince you that they  
6 should get a permit? Is it--

7 A Well, it's not a written standard. It's-- I'm a cop.  
8 I do have some intuition, some gut feelings, been a cop for  
9 over 30 years. Like I said, they need to convince me that  
10 they're a good person and I need to feel comfortable with  
11 that.

12 Q So is the-- is the-- and that's the standard you use,  
13 that the applicant has to convince you that they're a good  
14 person?

15 A In simple terms, yes.

16 Q Okay. And do you personally know-- or do you make it  
17 a-- a point to personally know each applicant so that you  
18 can determine whether they're a good person?

19 A If it's a-- yes. If it's a new-- new applicant I make  
20 it a point to have a interview with them. It's just-- and,  
21 then again, the gut feeling, intuition kicks in. Someone  
22 could slip through the system that's not a good person, but  
23 I do-- do try to make a point to meet with everybody, not  
24 for renewals, but for-- for a new applicant--

25 Q Okay.

1 A -- unless I learn something-- learn something  
2 different, you know, when they renew.

3 Q Okay. And what goes into this interview with a new  
4 applicant?

5 A I just ask them who they are, what's-- a little bit of  
6 their background, maybe, you know, where are they working,  
7 what their intentions are, you know, why they want the  
8 permit.

9 Q Do you have-- do you have any written questions or  
10 written policy that you follow in conducting this interview?

11 A No.

12 Q It's just basic information about the-- where the  
13 applicant works and why they want the permit, things like  
14 that?

15 A Correct.

16 Q And how long would you say this interview lasts?

17 A It depends on the-- on the person, but not very long,  
18 10, 15 minutes. And I-- I should-- if I may, I usually will  
19 ask my staff, "Have you heard anything about this person?  
20 Do you know anything?" and...

21 Q When you say you ask your staff, which staff members do  
22 you ask?

23 A Well, whoever present or-- it depends.

24 Q Are you talking deputies or-- or other people?

25 A Deputies and dispatchers. I don't-- I don't ask all my

1 staff, but I ask some of them.

2 Q And then-- so that's the-- that's the process for  
3 determining whether a new applicant gets a permit, correct?

4 A Well, it's part of the process, yes.

5 Q Okay. And what's-- is there more to the process?

6 A Well, they need to take the-- the Firearms Safety  
7 Class.

8 Q Is that something that the-- just the new applicant has  
9 to do or do all applicants have to take the safety class?

10 A Well, all new applicants. The renewals don't--

11 Q Okay.

12 A -- have to take it.

13 Q And who teaches the safety class?

14 A It-- it depends. It's usually a law enforcement  
15 officer, but it depends, and it's usually conducted down  
16 at-- at the Sheldon college.

17 Q And then-- so is that a class that the applicant has to  
18 just take one time and then-- then you make your own  
19 decision each year based on whether they get-- to determine  
20 whether they get a renewal?

21 A That's my understanding, yes.

22 Q Okay. I mean, is there any-- do they have to take it  
23 every ten years or every five years or something? That's  
24 what I'm--

25 A Not that I'm aware of.

1 Q Okay. I'd like to ask you a few questions about Alex  
2 Dorr's application to get a concealed carry permit. You're  
3 familiar with his application?

4 A Yes.

5 Q And did you-- did he take the Firearms Safety Class?

6 A I believe he did, yes.

7 Q Did he pass it?

8 A I believe so.

9 Q And did he fill out an application?

10 A Yes.

11 Q And did he complete the application process correctly?

12 A I believe so.

13 Q Did you conduct an interview with him?

14 A I don't believe I met with-- with Alex.

15 Q And why do you-- why is that your recollection?

16 A Pardon?

17 Q Is there a reason why you-- you don't recall meeting  
18 with Alex?

19 A I think I just met with-- with Paul Dorr.

20 Q Okay. Now, you-- you testified that you-- you would  
21 typically meet with each new applicant, correct?

22 A Correct.

23 Q And do you believe that you-- you would meet with every  
24 applicant-- every new applicant?

25 A Well, I don't remember what the situation I was-- I was

1 dealing with Paul Dorr on it and I don't recall Alex Dorr  
2 coming in to ask me.

3 Q Well, he would have filled out the application and  
4 provided it to you, correct?

5 A Correct.

6 Q And did you make your decision to deny his application  
7 before asking him for an interview?

8 A Yes.

9 Q Okay. And--

10 A Well, I didn't-- let me-- I didn't ask for an  
11 interview. I mean, I-- it's-- they bring in their  
12 application, they leave it-- leave it at the sheriff's  
13 office. It's their burden, their responsibility to come  
14 back and pursue it.

15 Q Okay. And would you initiate the request for an  
16 interview with a new applicant, typically?

17 A Typically I would leave a note on the applicant that I  
18 need to interview the-- the person.

19 Q Okay. And that's how you communicate to the new  
20 applicant the remaining step needed to get a permit--

21 A Right.

22 Q -- is you would-- you would provide a note or put a  
23 note on their application--

24 A Right.

25 Q -- that they need to come in for an interview?

1 A Right, correct.

2 Q Okay. And you didn't do that with Alex?

3 A Well, I'm trying to remember. I-- his and his-- Paul  
4 Dorr's were, I believe, at the same time and I-- he just  
5 didn't come in. I didn't-- I don't recall meeting with him.

6 Q And you don't recall sending him a note to say, "Stop  
7 by my office for an interview"?

8 A No, I don't.

9 Q You made the decision to deny his application without  
10 the interview?

11 A Yes.

12 Q Okay. Is there a reason why you didn't give Alex an  
13 opportunity to come in and-- and interview?

14 A No, other than that it wasn't necessary.

15 Q And why wasn't it necessary?

16 A Because the issue was that he was 18, and I-- I  
17 personally feel that that is too young to carry a concealed  
18 weapon.

19 Q Have you ever granted any other permits to applicants  
20 under the age of 21?

21 A Not that I recall.

22 Q Do you know if Sheriff Harskamp granted permits for  
23 concealed carry to applicants under the age of 21?

24 A That I don't know.

25 Q And, now, you understand that the statute points out

1 the age of 18, correct?

2 A Correct.

3 Q But you disagree with that-- that age that's provided  
4 in the statute?

5 A I-- I personally don't feel comfortable issuing a  
6 permit to carry to a person that's under 21.

7 Q Okay. But, again, you're familiar with the Iowa Code  
8 that's-- that talks about 20-- or 18 being the important  
9 age, correct?

10 A Correct.

11 Q And so you-- you have substituted your own age of 21 in  
12 place of the legislature providing the age of 18, correct?

13 A Well, that's-- I wouldn't use that word. I-- I believe  
14 the Code also says they have to be 21 to purchase a handgun  
15 and they need to be 21 to purchase handgun ammunition, and  
16 it's just my feeling that 18 year is in the Code to  
17 provide-- say if they became a security officer or if I  
18 hired a deputy that was under 21, that leaves that door open  
19 so you could give them a permit, I guess.

20 Q So there are some circumstances under which you would  
21 consider granting an applicant a concealed carry permit if  
22 they were under the age of 21?

23 A The only-- the only way would be if a deputy was hired.

24 Q Okay. Or if they were working in security, as you  
25 mentioned?

1 A Well, I guess I-- I haven't had that issue come up that  
2 I'm aware of, so--

3 Q Okay.

4 A -- I don't know. I haven't thought about it.

5 Q Okay. And did you-- did you ever ask Alex Dorr whether  
6 he intended to be security or get into law enforcement?

7 A No. I just went by what he wrote on his application.

8 Q Do you have a concealed carry permit?

9 A Do I personally?

10 Q Yes.

11 A I have a professional concealed carry.

12 Q Okay. And do your deputies have a concealed carry  
13 permit?

14 A Professional.

15 Q Okay. And what's the difference between a professional  
16 and a nonprofessional?

17 A They need to be a certified officer.

18 Q Okay.

19 A And then when their employment is-- is through, then  
20 that expires on that date. When their-- like I say, if they  
21 would resign or retire or whatever, then that expires.

22 Q Okay. And why do-- why do your deputies-- why do you  
23 and your deputies have a professional concealed carry  
24 permit?

25 A Probably because we're required to have one.

1 Q You're required to have a concealed carry permit  
2 outside of your work as-- in law enforcement?

3 A Oh, I-- I guess I don't understand-- in order to-- to work  
4 and be a Certified Peace Officer we need a professional  
5 permit to carry.

6 Q Okay. Now, the-- the Iowa Code uses the phrase  
7 reasonably determine whether-- whether the applicant  
8 constitutes a danger to any person. You understand that  
9 language to be in the statute, correct?

10 A You know, I don't know the statute verbatim, but if you  
11 could show it to me, then I can--

12 Q Sure.

13 A -- take a look.

14 MR. PHILLIPS: I'll show it to him.

15 MR. FAHNLANDER: You've got it?

16 MR. PHILLIPS: Yes.

17 MR. FAHNLANDER: Okay.

18 Q (BY MR. FAHNLANDER) You agree with me that the  
19 subsection 5 of Iowa Code 724.8 uses the phrase reasonably  
20 determines that the applicant does not constitute a danger  
21 to any person?

22 A Right.

23 Q Okay. And what in your mind does reasonably determine  
24 mean?

25 A I guess, what a reasonable person-- how a reasonable

1 person would look at the-- look at the situation.

2 Q And what does that mean to you?

3 A Well, is it normal?

4 Q Anything else?

5 A Not that I can think of.

6 Q Okay. And what does "constitute a danger to any  
7 person" mean to you?

8 A Well, to me-- I mean, it could be several different  
9 things, obviously. If someone pointed a gun at you it's  
10 quite apparent.

11 Q Okay. Is there anything else that you would consider--

12 A Well, I think--

13 Q -- a danger other than pointing a gun?

14 A Well, I think, a person's reputation. Recently we  
15 heard the news on the Fort Hood incident that there was  
16 warning signs, but-- but those weren't acted upon or looked  
17 into. I-- you know, I don't know all the issues there, but  
18 obviously there was-- I think there was some danger there,  
19 but it was overlooked. So I-- you know, I think, a person's  
20 reputation, what-- what does the community as a whole  
21 perceive.

22 Q Okay. And when you're talking about reputation, are  
23 you just-- are you talking about whether his reputation is  
24 such that people generally like him or generally dislike him  
25 or are you talking about--

1 A No, I--

2 Q What are you factoring in when you talk about  
3 reputation?

4 A It's much deeper than that. It's not a question of  
5 like or dislike.

6 Q What is it a question of?

7 A When-- when people come up and tell me that, "Boy, I  
8 think that guy's a nut. I think-- you know, I could see  
9 that guy-- I think-- I can see that guy snapping and  
10 shooting people. I could see him doing that, wouldn't  
11 surprise me at all." When I hear things like that, then  
12 that concerns me.

13 Q So if-- if someone says that so-and-so-- or an  
14 applicant could snap and start shooting people, that would--  
15 that would give you some concern?

16 A Well, if you hear it once, that's one thing--

17 Q Uh-huh (yes).

18 A -- but when you hear it a number of times from a number  
19 of different people, then it adds to it.

20 Q Okay. And-- and what-- in the situation you're  
21 describing, what if you-- what if you personally know  
22 someone and you disagree with the contention that so-and-so  
23 might snap and start shooting people?

24 A I haven't heard that about anybody. I haven't heard  
25 that comment about...

1 Q Any applicants?

2 A Other than Mr. Dorr.

3 Q Okay. So you're saying that you've heard-- you heard  
4 that comment about Mr. Dorr?

5 A Yes. I've heard a comment about one other applicant  
6 that I denied.

7 Q Okay. And who is that?

8 A Bill Johnson.

9 Q And did he receive a permit or not receive a permit?

10 A Well, he had a permit for years, and Bill Johnson was a  
11 good guy. I knew-- he lives in the same town I do and he  
12 was a good guy and hard worker, just a good guy. And then  
13 through the years he-- he had changed, and I-- you know, I  
14 think he has some mental health issues going on, in my  
15 opinion, and he just-- it changed his behavior. It wasn't  
16 normal. And I had, you know, a resident tell me that Bill  
17 Johnson's made comments that, you know, he-- he thinks the  
18 sheriff should be shot. So there was that concern, but  
19 that's the only other one I can think of.

20 Q And was he-- did he-- was he denied a permit?

21 A Yes, I denied him a permit.

22 Q In what year?

23 A In 2005.

24 Q And he had been given a permit prior to 2005?

25 A Yes.

1 Q And-- and so there was some-- in your mind what changed  
2 between the time when you granted him a permit and you  
3 denied a permit?

4 A I never granted him a permit.

5 Q Oh, that was granted by the prior sheriff?

6 A Sheriff or sheriffs. I'm not sure how long Bill had--  
7 Bill Johnson had a permit, but he-- he had one for a number  
8 of years, I-- I believe.

9 Q And was it the mental health issues that convinced you  
10 to deny his permit?

11 A Well, he-- yes. It wasn't necessarily something that  
12 he did. He didn't-- that I'm aware of. He didn't attack  
13 anybody, he didn't shoot anybody, but he just behaved in a  
14 not normal manner. For instance, he-- and this just didn't  
15 happen in one day. Okay? I mean, this wasn't, you know,  
16 like they show it-- he was like this and then, bang, he was  
17 like this. It was a progressive type of-- of situation.  
18 But he would say he's working for like the CIA and he was  
19 working for the FBI and he's working on drug cases and-- you  
20 know, that just to me isn't normal.

21 Q So he was saying these things which you knew were  
22 obviously not true?

23 A In the public. Well, I felt they weren't true, yeah--

24 Q Okay.

25 A -- and so...

1 Q Well, let me stop you for a second. So you-- did you  
2 hear Mr. Johnson say-- make these comments about him working  
3 in the CI-- working for the CIA and FBI?

4 A Me personally, no.

5 Q You-- other people relayed to you that he had been  
6 saying that he worked for the FBI and CIA?

7 A Right.

8 Q And you knew that that wasn't true or you believed that  
9 wasn't true?

10 A Correct.

11 Q And so you thought, this guy is-- is disconnected from  
12 reality because he's making stuff up?

13 A I think there's that potential, yes, I--

14 Q Okay.

15 A I think he's-- progressively is...

16 Q And then you said that you heard that he thought the  
17 sheriff should be shot?

18 A He made that comment to another resident.

19 Q Who did he make that comment to?

20 A I think it's George Klein from Ashton.

21 Q You live in Ashton?

22 A Yes.

23 Q Okay. And where's that from here?

24 A About six miles south-- six, seven miles south.

25 Q Okay. And what's the population of Ashton?

1 A Oh, about 450.

2 Q Did you do anything to confirm whether Mr. Johnson  
3 thought that the sheriff should be shot?

4 A No.

5 Q You-- you-- did you trust the source that you heard it  
6 from?

7 A I-- I believe he wouldn't make that up, yes.

8 Q Okay. Was-- was there-- did you make any other  
9 observations about Mr. Johnson that led you to believe that  
10 he should not be granted a concealed carry permit?

11 A Well, just like I told you, the-- the different--  
12 different things I heard, and this wasn't just in one day.  
13 It was just over a period of time.

14 Q What period of time?

15 A Oh, probably in the last five, six years or so.

16 Q Are you talking the last five or six years from now or  
17 are you talking about the last five or six years prior to  
18 when you denied his application in 2005?

19 A From now, and maybe it was more like seven years or--  
20 well, maybe five, six years from-- from now--

21 Q Okay.

22 A -- about, about.

23 Q So for a period of a year or two prior to your denial  
24 of his application you had been hearing these things about  
25 Mr. Johnson?

1 A Well, yes, I mean, not-- you'd hear something and-- and  
2 it's not like you hear it every day or you hear it multiple  
3 times a day. You just-- okay, you hear-- hear something  
4 and--

5 Q And is he a personal acquaintance of yours as well?

6 A Well, I-- I know-- I know him and I've talked to him  
7 before. I mean, we don't pal around together, anything like  
8 that, but-- but, yeah, I know who he is and he knows who I  
9 am.

10 Q And prior to your decision to deny his application did  
11 you have some conversations with him that led you to believe  
12 that he was unstable or something like that?

13 A With him?

14 Q Yes.

15 A I-- I'm sure I have. I can't remember. He calls once  
16 in a while. He calls even yet today, I mean. Last week I  
17 think he called on something else, but he'll call  
18 periodically.

19 Q Call to you personally or to the sheriff's office?

20 A Well, to the sheriff's office to me.

21 Q And what sort of things does he talk to you about when  
22 he calls?

23 A Well, right now he's upset because he lost his driver's  
24 license, and I think he has poor eyesight and I think that  
25 could be part of why he lost it, but--

1 Q How old a man is he?

2 A Oh, I'm just guessing, 70-- 65, 70. Maybe he's not  
3 quite 70, maybe in his 60s.

4 Q Going back to Iowa Code Section 724.8 where it talks  
5 about the sheriff reasonably determining that an applicant  
6 constitutes a danger, is that standard vague in your mind?

7 A Well, like I said, my-- I don't know what you mean.  
8 It's my-- it's what a reasonable person would think and...

9 Q Does that provide much guideline to you in making  
10 your-- in making your decision?

11 A It's just if you're reasonable, so...

12 Q Okay.

13 A I guess I don't know how to answer your question.

14 Q Do you view that as just giving you the discretion that  
15 you believe is separate from the statute?

16 A I think-- I think the Administrative Code has some  
17 language about discretion, but-- for the sheriff's  
18 discretion, you mean?

19 Q Yes.

20 A I-- I think there's a provision in the Administrative  
21 Code on that.

22 Q What-- what is the-- what do you recall the  
23 Administrative Code saying about that?

24 A Well, then again, I'd have to-- I'd have to look at the  
25 document.

1 Q Well, as you sit here what-- what guidance does the  
2 Administrative Code provide to you?

3 A I just remember the discretion part and it's up to the  
4 sheriff's discretion.

5 Q Okay. And, again, just-- has anyone given you any  
6 guidelines as to what the phrase reasonable determination  
7 means under the Iowa Code section?

8 A I don't know what you mean by any-- anyone.

9 Q Well, have you gotten from any other law enforcement or  
10 any other people--

11 A Oh.

12 Q -- any guidelines as to what "reasonably determine"  
13 means?

14 A Not-- not that I'm aware of, no.

15 Q Okay. And has anyone provided you any guidelines as to  
16 what the, quote, "applicant constitutes a danger to any  
17 person," end of quote, means?

18 A Not that I'm aware of, no.

19 Q Now, have you ever had any written criteria that your  
20 sheriff's department uses in-- in making a decision about  
21 granting or denying handgun permits?

22 A Not that I'm aware of, no, I haven't.

23 Q You've never written down any criteria to-- to make  
24 that determination?

25 A No.

1 Q And have you-- did you at one time embark on writing  
2 down criteria to use?

3 A I thought about it.

4 Q Okay. And-- and why did you think about that?

5 A Well, just to see if it was necessary.

6 Q What went into your thinking about having written  
7 criteria?

8 A Well, I guess I-- the main thing is, you know-- I had  
9 the Code of Iowa, and the main thing is what is the person's  
10 reputation and can they convince me they're a good-- good  
11 person.

12 Q Okay. But I-- I think my question's a little bit  
13 different. Why was it that you thought about having some  
14 written criteria? Do you understand my question?

15 A Yeah, I think so. Well, maybe-- I just thought maybe I  
16 missed something.

17 Q Okay. Did you think about having written criteria so  
18 that your decision making would be more objective and less  
19 subjective?

20 A No.

21 Q Okay. Did you have any discussions with anyone about  
22 developing written criteria?

23 A Yes.

24 Q And who did you have conversations with about  
25 developing written criteria?

1 A Well, I didn't have discussion, but Dan DeKoter brought  
2 it-- he suggested it.

3 Q He suggested it to you?

4 A Right.

5 Q And when did he make this suggestion to you?

6 A Oh, I-- I mean, it was after '07, I mean, after the  
7 denial. I don't remember the--

8 Q So it was after Paul Dorr's application was denied?

9 A Right.

10 Q Was that a conversation that you had in response to  
11 Paul Dorr's attempting to-- to get a concealed carry permit?

12 A I don't-- I don't know why it came up for certain, just  
13 that he inquired about if I had any criteria and if we  
14 should look into that.

15 Q Okay. Well, tell me more about what Mr. DeKoter said  
16 about that.

17 MR. PHILLIPS: Excuse me. Before you do that I  
18 need to ask you a question so that I know what instructions  
19 to give you. When you were talking to Mr. DeKoter was he  
20 representing the sheriff?

21 THE WITNESS: No.

22 MR. PHILLIPS: Okay. Go ahead and answer the  
23 question.

24 A Well, he contacted me because he felt-- he just felt  
25 that there was a-- a lawsuit that was gonna come down the

1 pike, so to speak, and-- and he threw out a couple criteria  
2 that we've already addressed and I said, "Well, I already--"  
3 I already make those considerations, a person's reputation,  
4 you know, what do I think-- what are my gut feelings, what  
5 do I think about them, so I said, "I'm already doing that.  
6 I just don't necessarily have it in writing."

7 Q (BY MR. FAHNLANDER) Okay. Did Mr. DeKoter make these  
8 criteria in-- in writing or in e-mail, or how-- how was it  
9 that you recall he made those criteria?

10 A He-- he made a list, a written list, but I didn't adopt  
11 them.

12 Q And how was it that he sent that written list to you?

13 A Well, I don't remember. It could have-- could very  
14 well have been an e-mail.

15 Q Okay. Do you still have that e-mail?

16 A I don't know. I'd have to look.

17 Q Was that sent to a home e-mail address or a work  
18 e-mail?

19 A If-- if it was sent, it was sent to the sheriff's  
20 office.

21 Q Okay. Might he have sent it by any other form other  
22 than e-mail?

23 A Well, unless he sent it in the mail, but I just don't  
24 remember.

25 MR. FAHNLANDER: And, Counsel, I'll ask for that.

1 I think it's covered by my previous request for documents,  
2 but after the deposition I can make a separate request.

3 MR. PHILLIPS: You'd better send me something.

4 I'm not telling you that I wouldn't respond. I'm telling  
5 you that I won't remember if this is--

6 MR. FAHNLANDER: Sure.

7 MR. PHILLIPS: -- this is all the notice I'm  
8 getting. Send me something.

9 MR. FAHNLANDER: Sure, I'll send it.

10 MR. PHILLIPS: A letter is fine. I don't care  
11 what it is. I just need a reminder.

12 Q (BY MR. FAHNLANDER) And do you recall how many  
13 conversations or how much correspondence you had with  
14 Mr. DeKoter about developing this written criteria?

15 A No, I don't. It wasn't-- you know, it wasn't a great  
16 amount.

17 Q (Pause)

18 THE WITNESS: Sir, could I take a couple-minute  
19 break?

20 MR. FAHNLANDER: Certainly.

21 (Off the record from 11:13 to 11:23 a.m.)

22 Q (BY MR. FAHNLANDER) Sheriff, we were talking a little  
23 bit about your communications with Dan DeKoter regarding  
24 developing written criteria. And are you familiar with the  
25 Osceola County Public Safety Commission?

1 A Yes.

2 Q And who-- who is that?

3 A Well, that comprises two supervisors and a  
4 representative from each of the communities in the-- the  
5 county, except for Sibley has two--

6 Q And--

7 A -- elected officials, like from the mayors or their  
8 designee.

9 Q Okay. And are you a member of the-- is it Osceola or  
10 Osceola?

11 A Well, up here we call it Osceola. Down in Florida I  
12 think they call it Osceola.

13 Q Okay. Are you a member of the Osceola County Public  
14 Safety Commission?

15 A I'm not a member. I'm not-- I can't vote, but I do  
16 attend the meetings.

17 Q How often do they have meetings?

18 A Usually once a month.

19 Q And did they make a decision-- or did they-- did they  
20 seek to develop written criteria regarding issuing of  
21 concealed carry permits?

22 A No.

23 Q Is Mr. DeKoter a member of the Osceola County Public  
24 Safety Commission?

25 A No.

1 Q Was he retained by the Osceola County Public Safety  
2 Commission?

3 A No.

4 Q Are you familiar with a letter that he wrote that he  
5 claimed that he was retained by the Osceola County Public  
6 Safety Commission to give legal advice on the issuance of  
7 concealed weapon permits?

8 A Well, he claimed that. You would have to talk to him  
9 about that. That's his language. He wasn't retained, no.

10 Q Okay. And why-- and so you know that is not true?

11 A Well, if I could try to clarify it.

12 Q Sure.

13 A It was Mr. DeKoter's idea to do the-- the criteria in  
14 thinking that there would be a lawsuit pending or filed, and  
15 I talked to him about if he'd be interested in, you know,  
16 over-- or taking on the case. It wasn't my decision. I  
17 said we'd have to talk to the public safety board. I just  
18 talked to the chairperson, and he thought that would be  
19 okay.

20 Q Who's the chairperson?

21 A Jerry Johnson.

22 Q Okay.

23 A So we didn't have a meeting on it and they didn't vote  
24 on it, the commission didn't, but I think Mr. DeKoter took  
25 it that he was retained and he really wasn't.

1 Q Okay. So Mr. DeKoter started having these discussions  
2 about developing written criteria in anticipation of a  
3 lawsuit?

4 A Well, that's my understanding.

5 Q In anticipation of a lawsuit from anyone in particular?

6 A Mr. Dorr.

7 Q Okay. Do you know why he felt that Mr. Dorr was going  
8 to file a lawsuit?

9 A No. He didn't say, no.

10 Q So your understanding is that Mr. DeKoter was not  
11 retained by the Osceola County Public Safety Commission to  
12 develop this written criteria?

13 A Not officially, no.

14 Q Okay.

15 A They didn't vote on it.

16 Q And did anyone else retain Mr. DeKoter to develop  
17 written criteria?

18 A Not that I'm aware of.

19 Q Did you retain Mr. DeKoter to develop written criteria  
20 for issuance of concealed carry permits?

21 A He took-- no. He took it upon himself to do that.

22 Q And was there any discussion either between you and  
23 Mr. DeKoter or the Osceola County Public Safety Commission  
24 as to whether he would be paid for doing this work?

25 A Not that I remember. He wasn't paid for anything. I

1 don't think it went that far.

2 Q Do you-- how many-- do you know-- do you have any idea  
3 how much work he-- he performed as far-- along the lines of  
4 developing written criteria?

5 A No, I don't.

6 Q Now, Mr. DeKoter indicated in some correspondence that  
7 written criteria was needed because of the Heller case from  
8 the United States Supreme Court. Are you familiar with the  
9 Heller case?

10 A You'd probably have to refresh me on that.

11 Q Okay. Well, I just want to find out, were you aware  
12 that there was a-- a case that came down from the United  
13 States Supreme Court dealing in general terms about the  
14 Second Amendment?

15 A Is that the Washington D.C....

16 Q Yes.

17 A Okay. A little bit, yeah.

18 Q Do you-- do you agree with Mr. DeKoter that because of  
19 the Heller decision there needed to be some written  
20 guidelines for issuing of concealed carry permits?

21 A No.

22 Q No? So you would disagree with Mr. DeKoter if he said  
23 that written criteria was necessary because of the Heller  
24 case?

25 A Well, for what you're telling me right now, yes. I

1 think the Code is straightforward and it's the sheriff's  
2 discretion.

3 Q Okay. And no written guidelines were eventually made,  
4 correct?

5 A Correct.

6 Q And the reason why is you believe that the only  
7 suggestions that Mr. DeKoter made regarding developing  
8 written criteria are things that you already used?

9 A That's what I remember, yes.

10 Q Now, you described some communications from the Iowa  
11 Sheriffs and Deputies Association regarding "may issue" and  
12 "shall issue"?

13 A Yes.

14 Q Okay. And what do you recall of those e-mails or those  
15 communications?

16 A Well, the gist of it, I think, is sheriffs wanted to  
17 leave it the "may issue," the discretion on the sheriff's  
18 part.

19 Q And is there some other group that wants "shall  
20 issue"?

21 A I suppose. I-- I don't know. I'm not sure--

22 Q Okay.

23 A -- on that.

24 Q Did any of these e-mails render any opinion about what  
25 the law was-- if the law was gonna change or if it's gonna

1 stay the same with the may issue process?

2 A No, not that I remember.

3 Q And just-- just to be clear, under a may issue process  
4 you understand that the sheriff has discretion to issue or  
5 to not issue; is that correct?

6 A That's my understanding, yes.

7 Q And then under a shall issue process, if the applicant  
8 meets certain objective criteria, then the sheriff shall  
9 issue the permit. Is that your understanding?

10 A Yes.

11 Q Okay. Now, how many permits are there-- or how many--  
12 how many different types of permits does the sheriff grant?

13 A Different types?

14 Q Yes.

15 A Just a permit to acquire, you know, like to purchase  
16 handguns, permit to carry nonprofessional and permit to  
17 carry a concealed weapon professional.

18 Q The permit to acquire, what standards are used for that  
19 permit?

20 A Well, the background check-- criminal background check  
21 and-- I-- I'd have to look at the-- one of the documents  
22 to-- to list all their criteria on that.

23 Q Is-- does the sheriff have discretion under that  
24 process?

25 A I don't believe so.

1 Q So your understanding is if the applicant meets certain  
2 objective criteria, you shall issue the permit to acquire?

3 A Yes.

4 Q If an applicant in your opinion constitutes a danger to  
5 any person, can you deny the permit to acquire?

6 A I don't believe so.

7 MR. FAHNLANDER: Can you mark this, please?

8 (Deposition Exhibit No. 1 marked for identification.)

9 Q (BY MR. FAHNLANDER) Sheriff Weber, I'm showing you  
10 what's been marked as Deposition Exhibit 1. And do you  
11 recognize Exhibit 1?

12 A (Pause) Yes.

13 Q Okay. Is Exhibit 1 a series of applications from Paul  
14 Dorr and then the last one from Alex Dorr to obtain a  
15 concealed carry permit?

16 A (Pause) I believe so, yes.

17 Q And towards the back, about the sixth page or so from  
18 the-- from the back, is there an application from Paul Dorr  
19 dated-- dated 1998?

20 A Yes.

21 Q And is that the application that you were talking  
22 about-- you were testifying about earlier?

23 A Yes.

24 Q Now, on page 2 it appears that there's a signature by  
25 Ed Harskamp. Do you see that?

1 A Yes.

2 Q Does that appear to be his signature?

3 A It appears to be.

4 Q Are you able to tell whether Sheriff Harskamp approved  
5 or-- or disapproved of this application?

6 A No.

7 Q The fact that he signed it, does that seem to indicate  
8 that it was approved?

9 A No. That's why I called him and asked him about it  
10 when I came across this. I-- I wanted to know what his  
11 thinking was on it.

12 Q And you-- you called Sheriff Harskamp in 2007 or 2008  
13 regarding this application?

14 A Probably in 2008.

15 Q After the-- after Paul-- Paul Dorr filed his lawsuit?

16 A I don't know if it was after the lawsuit or before. I  
17 was looking through the file and came across this-- this  
18 application and seen it wasn't marked approved or  
19 disapproved, so I-- I called Ed Harskamp.

20 Q Okay. Now, when applications were made to you, would  
21 you always mark the blank either approved or disapproved?

22 A Well, I would try to do that.

23 Q And why do you say that?

24 A Well, unless there's-- I don't want to testify under  
25 oath that I did every single time. I mean, I could have

1 neglected to do one, but...

2 Q Can you think of any reasons why you would not have  
3 marked either the approved or disapproved block?

4 A Well, unless they didn't-- didn't act on it at all. I  
5 don't-- I don't know--

6 Q Okay.

7 A -- because I forgot.

8 Q If you had signed it, but neither of the blocks was--  
9 for approved or disapproved was marked in, would that to you  
10 indicate that you approved it or disapproved it?

11 A If none of the blocks were marked in?

12 Q If neither of the two blocks were approved, either the  
13 approved block or the disapproved block, but you signed it  
14 below that, would that indicate that it was approved or  
15 disapproved?

16 A I don't know.

17 Q Okay. Now, this-- the form that we're-- that we're  
18 looking at in Exhibit 1, is that the same form throughout  
19 the 1998 through 2007 time period-- or 2008 time period?

20 A The same form?

21 Q Yes. At least does it appear to be the same form used?

22 A It appears to be. I haven't checked, you know, every  
23 word to see if anything was changed, but...

24 Q Do you know who developed this form?

25 A I think, the Department of Public Safety.

1 Q The Iowa Department of Public Safety?

2 A Yes.

3 Q Okay.

4 A I mean, that's--

5 Q This is not an Osceola County form, in other words?

6 A No, no.

7 Q Now, you would agree that Paul Dorr was granted a

8 permit-- a concealed carry permit for the years 1999 through

9 2006, correct?

10 A Yes.

11 Q And you yourself granted Mr.-- Mr. Paul Dorr permits in

12 2005 and 2006, correct?

13 A Correct.

14 Q And then you denied him his permit in 2007, correct?

15 A Correct.

16 Q And you have indicated-- you indicated to Mr. Dorr in

17 correspondence that you wouldn't consider any further

18 applications from him, correct?

19 A Correct.

20 Q And is that your position to this day?

21 A Oh, yes.

22 Q Okay. So you-- you simply won't grant Mr. Dorr a-- a

23 permit to-- for a concealed carry permit?

24 A No.

25 Q Now, in the-- in the reasoning at the bottom of the two

1 thousand-- of Paul Dorr's 2007 application you wrote-- is  
2 that your handwriting, by the way?

3 A Yes.

4 Q And does it say, "Concerns from public. Don't trust  
5 him"--

6 A Correct.

7 Q -- end of quote? That's what it says?

8 A Yes.

9 Q And that's what you wrote?

10 A Yeah.

11 Q Now, you-- you didn't say that you believe that he  
12 failed any of the criteria under 724.8, did you?

13 A No.

14 Q And you didn't say that you believe that he constitutes  
15 a danger to anyone, did you?

16 A Well, concerns from the public and that I don't trust  
17 him is some concern.

18 Q Okay. So were you denying him this permit using your  
19 discretion or-- or using one of the criteria or any of the  
20 criteria under 724.8?

21 A Using my discretion.

22 Q Using your discretion. So he met all of the 724.8  
23 criteria, in your opinion?

24 A I-- I believe so.

25 Q Okay. And you don't have any evidence that Mr. Dorr

1 has engaged-- Mr. Paul Dorr has engaged in any unlawful  
2 conduct, do you?

3 A Unlawful conduct?

4 Q Correct.

5 A I thought he's been arrested.

6 Q Okay. And what's your understanding of that?

7 A Like a protest type situation.

8 Q Do you know when or what he was protesting?

9 A I-- I'd have to look at the criminal history on that.

10 Q Do you have such a criminal history on Mr. Dorr for his  
11 protesting activity?

12 A We should have.

13 Q Did you-- did you look at that in making your decision  
14 to deny him his permit in 2007?

15 A For the discretionary part?

16 Q Correct.

17 A No.

18 Q Did you have an understanding that Mr. Dorr's  
19 protesting activity was nonviolent protesting?

20 A Right.

21 Q He didn't constitute a threat to anyone in that  
22 protesting activity, did he?

23 A Well, I don't know. I wasn't there and I don't--

24 Q Okay.

25 A I can't say.

1 Q Okay. You don't-- let me ask it this way. You don't  
2 have any evidence that in Mr. Dorr's protesting activity  
3 that led to his being arrested he constituted a danger to  
4 anyone?

5 A I don't know.

6 Q Okay. And you've never conducted any sort of an  
7 investigation to determine whether Mr. Dorr constituted a  
8 danger to any person in connection with his protesting  
9 activity?

10 A No.

11 Q And do you have an understanding that Mr. Dorr's  
12 protesting activity occurred a number of years prior to his  
13 2007 application?

14 A I believe so, yes.

15 Q Do you believe that Mr. Dorr ceased doing the protest  
16 activity that led to his being arrested?

17 A I don't know if he did or not.

18 Q Now, when you wrote in the-- on the-- on Paul Dorr's  
19 application-- his 2007 application for the reasons  
20 disapproved, "Concerns from public," what do you mean by  
21 that?

22 A You mean what was said or--

23 Q Yes.

24 A Well, probably the most reoccurring thing that I hear  
25 said over and over is that they think he's a nut. And

1 you've heard of the phrase a village idiot, and I'm not  
2 saying he's-- he's that, but he's considered a village nut,  
3 and I've heard that a lot prior to '07. I-- I didn't  
4 document that or write it down, but I would hear that, and--  
5 and people don't talk about Mr. Dorr just to talk about  
6 him. I mean, he may think that everyone's concerned about  
7 what he thinks, what he says, but that's not the case.

8 My-- this is my opinion, this is what I hear out on the  
9 street. When he interjects himself into the media either by  
10 writing a letter to the editor, putting fliers on the  
11 windshields of cars while they're parked at church, inside  
12 at a church service, or he sends out mass e-mails or he puts  
13 fliers on-- on-- inside doors at homes, then people talk  
14 about him. And then I hear things like, "Oh, that guy's a  
15 nut. I wouldn't give him a gun permit either," or I would  
16 hear things like, "Boy, I could see him snap. I could see  
17 him just shooting people, just going off the deep end." So  
18 those are the kind of comments I hear when I'm out and about  
19 in the community, and those are what-- just what I-- what I  
20 hear.

21 Q Okay. Now, you have lived in this county for 30 years?

22 A Right.

23 Q And for how many years have you known Paul Dorr?

24 A Well, I-- you know, I don't know how to answer that. I  
25 knew of him for a number of years, and I don't know what you

1 mean by know him. I've had-- you know, as time went on I've  
2 had a little more contact with him, you know, face to face  
3 or-- or a letter from him or something like that.

4 Q Let me ask you it this way. When do you recall meeting  
5 Paul Dorr?

6 A Meeting him, I think, had to do with some-- that I  
7 remember, some anonymous letter or letters that was sent  
8 to-- I think it's called Bethany Christian Services, and  
9 they felt that Mr. Dorr was involved in that.

10 Q So you met-- you met Paul Dorr in connection with some  
11 anonymous letters regarding Bethany Christian Services?

12 A Yes.

13 Q Was that in the early 1990s?

14 A I-- I believe so.

15 Q So you met Paul Dorr in the early 1990s?

16 A That I remember, yes.

17 Q And you met him in connection with some complaint about  
18 Mr. Dorr?

19 A Well, they received these mail or mailings, anonymous,  
20 wasn't signed. The complainant thought that Paul Dorr could  
21 have been involved in that-- doing that.

22 Q Okay. And the complainant was-- do you recall the name  
23 of the complainant?

24 A Adri Ruisch.

25 Q Adri Ruisch?

1 A I believe so.

2 Q And Adri is A-d-r-i?

3 A I believe so.

4 Q And Ruisch, R-u--

5 A There's an "i" in there, so it would be R-u-s-i-c-h--

6 Q Okay.

7 A -- or something like that.

8 Q And where does Mrs. Adri Ruisch live-- or where did she  
9 live at that time? Was it in Osceola County?

10 A She didn't-- I don't believe she lived here. She, I  
11 think, lives in Sioux County somewhere, Orange City or  
12 something like that.

13 Q And she made a complaint to you or to the sheriff's  
14 office-- or what complaint did she make?

15 A Well, to the sheriff's office.

16 Q And what was the-- what was the complaint?

17 A That they received this anonymous mailing and that she  
18 felt that Paul Dorr may have done it.

19 Q And was there something illegal about making this  
20 anonymous mailing?

21 A Well, potentially could be harassment if it continued,  
22 that sort of thing.

23 Q Well, did you ever make any determination as to whether  
24 that mailing constituted a crime?

25 A Beyond a reasonable doubt?

1 Q Yes.

2 A No, I mean-- no.

3 Q Okay. You made a determination that this mailing did  
4 not constitute a crime?

5 A No, I didn't say that. I-- I-- I looked into it. I  
6 visited with Mr. Dorr on it. He denied mailing it, so I  
7 don't know.

8 Q Okay. Was this a one-time mailing?

9 A I don't remember, sir. It was a long time ago. I'd  
10 have to--

11 Q Okay.

12 A -- look at it.

13 Q So this-- if this was a one-time mailing, in your  
14 opinion would it constitute a crime?

15 A Probably not necessarily, no.

16 Q Okay. And what Iowa Code deals with harassment by  
17 sending an anonymous piece of mail, do you know?

18 A I'd have to look it up.

19 Q Okay. Have you ever charged someone with the crime of  
20 making an unauthorized mailing?

21 A We've-- yes, we've-- with harassment, whether it's  
22 texting-- now it's more with texting type things or computer  
23 or mail or-- or phone, verbal.

24 Q Do you have any-- any idea in your mind as to how  
25 frequent this-- some mailing or texting has to be before it

1 constitutes harassment?

2 A Well, usually we try talk to the person, tell them to  
3 cease from doing that, don't do that anymore. If it  
4 continues, then-- then we'll look at it again.

5 Q Okay. And was there anything else that you can recall  
6 regarding this anonymous mailing involving Adri Ruisch?

7 A Oh, yeah. She said she was very fearful of Paul Dorr  
8 way back then, even. She-- she said she did not-- she was  
9 afraid of him.

10 Q Well, do you recall what the subject of this-- this  
11 mailing was?

12 A No.

13 Q And, do you know, was Mrs. Ruisch on-- on-- on a  
14 particular side of an issue that-- that led to this  
15 unlawful-- or this anonymous mailing?

16 A Well, I'm sure it had to do with her-- her job, but I  
17 don't recall.

18 Q Do you know what her job was?

19 A Well, I think it had something to do with adoption and  
20 that sort of thing, but I'm--

21 Q Okay.

22 A You know, it was a long time ago. I don't remember all  
23 the details on it.

24 Q Okay. So you met with Mrs. Ruisch regarding that?

25 A I didn't meet with her personally. I talked with her

1 over the phone.

2 Q Okay.

3 A That's my recollection of it.

4 Q Do you recall how many times you talked to her?

5 A Oh, a couple times.

6 Q And did you-- in connection with this complaint did you  
7 conduct any other investigation?

8 A No.

9 Q Did you talk to Mr. Dorr?

10 A Yes.

11 Q Okay. And did you meet with him in person or talk to  
12 him on the phone?

13 A I remember meeting with him in person in his office in  
14 Ocheyedan.

15 Q So you drove over to meet with him?

16 A Yes.

17 Q And you had a conversation with him?

18 A Yes.

19 Q And do you recall how long that conversation lasted?

20 A No, not-- not real long.

21 Q Was it just one conversation you had with Mr. Dorr?

22 A I believe so.

23 Q And based on that conversation you concluded that there  
24 was no crime?

25 A Well, Mr. Dorr denied doing it, so I don't know.

1 Q If he had admitted to you that he sent this anonymous  
2 letter, would you have told him to knock it off or would you  
3 have brought some charges against him?

4 A Probably would have told him to knock it off.

5 Q Okay. And did-- do you know whether Mrs. Ruisch made  
6 any continuing-- complaints about continuing to receive  
7 anonymous letters?

8 A Not that I'm aware of, no.

9 Q Is that the only formal complaint that was made against  
10 Mr. Dorr?

11 A Formal complaint?

12 Q Yes.

13 A There had been a couple from one of his neighbors.

14 Q Okay. And do you recall what the-- that was one  
15 neighbor or multiple neighbors?

16 A Well, I've heard from other neighbors, but the one  
17 where there was actually an incident report created was with  
18 Lois Stahl.

19 Q Okay. And-- and tell me what you mean by an incident  
20 report. What is an incident report?

21 A Where there was-- where it was written in a paper form.

22 Q Okay. So was-- this incident involving Adri Ruisch,  
23 was-- did that constitute an incident report?

24 A Probably, yes.

25 Q Okay. And do you remember actually finding an incident

1 report regarding that incident?

2 A No. I think I looked for one, and I can't find one.

3 Q Okay. And then you found an incident report relating  
4 to Mr. Dorr from her neighbor-- from-- from his neighbor?

5 A Correct.

6 Q And that's Lois Stahl?

7 A Correct.

8 Q And is-- is that the only incident report that you  
9 found relating to Mr. Dorr?

10 A An incident report, yes.

11 Q Okay. And you-- you found that report-- or you located  
12 that report after Mr. Dorr brought this lawsuit?

13 A No. I took the report.

14 Q Okay. You took the report sometime in 2006?

15 A Uh-huh (yes).

16 Q Is that a yes?

17 A Yeah. Sorry. Yes, yes.

18 Q Okay. And after you took that incident report you  
19 issued Mr. Dorr a concealed carry permit in 2006, correct?

20 A I don't know if it was before or after that.

21 (Deposition Exhibit No. 2 marked for identification.)

22 Q Sheriff, I'm showing you what's been marked as Exhibit  
23 2. Do you see that?

24 A Yes.

25 Q And are you familiar with this document?

1 A Yes.

2 Q And this is Douglas L. Weber and Osceola County  
3 Sheriff-- Osceola County's Answers to Plaintiffs'  
4 Interrogatories, Response to Plaintiffs' Request for  
5 Documents and Response to Plaintiffs' Request for  
6 Admissions, correct?

7 A Correct.

8 Q And-- and did you sign off on that on page-- page 15--  
9 or 16, rather?

10 A Yes.

11 Q Okay. Now, there are a couple of pages attached after  
12 your signature page. Do you see those?

13 A Yes.

14 Q And the first two pages attached after your signature  
15 are the Iowa-- are the incident report from Lois Stahl's  
16 complaint about Mr. Dorr, correct?

17 A Yes.

18 Q And-- and this is the report that you made or was it--

19 A No. This was a different one, I believe.

20 Q Now, this is a document that you produced in this  
21 litigation, correct?

22 A Correct.

23 Q And you were listed as the supervising officer,  
24 correct?

25 A Yes.

1 Q And on the page-- on page 1 of this in the upper,  
2 right-hand corner there is a reported date, correct?

3 A Yes.

4 Q And that's April 14, 2006?

5 A Correct.

6 Q And it was reported at 5:15 p.m. that day?

7 A Correct.

8 Q So is that the date that--

9 A There--

10 Q -- the sheriff's department received this-- this  
11 complaint from Mrs. Stahl?

12 A There should be another one that I actually did. This  
13 looks like the reporting officer was Dan Minten. There's  
14 one that I took also.

15 Q Well, in connection with this lawsuit you've made your  
16 best effort to locate all the incident reports relating to  
17 Paul Dorr, correct?

18 A Well, I must have missed one.

19 Q Okay. Well, again, I'll request any others if-- if you  
20 believe there are some.

21 A I thought you had it, so I don't know what-- I'm not  
22 sure what the situation is.

23 Q Okay. Well, again, back to the first page of this  
24 incident report which is dated April 14, 2006, at the bottom  
25 of that-- or towards the bottom of that on the first page

1 still--

2 A Oh, okay.

3 Q -- it states under the narrative-- do you see the  
4 narrative part?

5 A Yes.

6 Q It states, quote, "Lois Stahl reported hearing a loud  
7 bang about three months ago. A couple of days ago she found  
8 two 12 gauge shells on her yard." Did I read that  
9 correctly?

10 A I believe so, yeah.

11 Q So what Mrs. Stahl was complaining about was that about  
12 three months prior to April 14, 2006 she heard a loud bang;  
13 is that true?

14 A That's what she reported.

15 Q Okay. And then a couple of days ago, so sometime a  
16 couple days prior to April 14, she found a couple of 12  
17 gauge shells on her yard?

18 A (Witness nodded head in an affirmative manner.)

19 Q Is that true? Did I read that correctly?

20 A Yes.

21 Q And is that your understanding of the-- of what  
22 happened?

23 A On this particular incident, yes.

24 Q Okay. And did the Osceola County Sheriff's Department  
25 charge anyone in connection with this incident report?

1 A I don't believe so.

2 Q And then on page 2-- is page 2 part of the page 1  
3 report or is that a different report?

4 A It should be part of the same-- same report.

5 Q Is there anything on page 1 of this incident report  
6 that would confirm that it was Officer Minten that  
7 investigated this?

8 A Well, down on the bottom-- on the first page, you  
9 mean?

10 Q Yes.

11 A No, just on the second page.

12 Q Okay. And based on the front page, is there anything  
13 to indicate to you that Paul Dorr committed any sort of a  
14 crime on the front page of this report?

15 A That he did?

16 Q Correct.

17 A No.

18 Q And on the-- about two thirds-- about, yeah, a little  
19 over halfway down the page, page 2 of this report, it  
20 states, quote, "She thinks the Dorr boys fired the shotgun.  
21 (One shell appeared to be years old) She also complained  
22 about the Dorr boys urinating out of the back door and  
23 driving through her bushes with their snowmobile. She says  
24 they also threw a large rock onto her yard and bounce balls  
25 off of her house," and I'll stop there. Did I read that

1 correctly?

2 A Yes.

3 Q And based on that information the Osceola County  
4 Sheriff's Department concluded that there was no basis to  
5 bring any sort of charges against Paul Dorr or any other  
6 Dorrs?

7 A Well, I'm not sure what Mr. Minten's actions were on  
8 this. I guess I'd have to talk to him.

9 Q Okay. Well, you're the supervising officer there,  
10 correct?

11 A Well, my name's on the report, but I didn't look into  
12 this incident.

13 Q Okay. And why didn't you look into this incident?

14 A Didn't see a need to.

15 Q Because you believe that no law had been broken,  
16 according to this report, correct?

17 A Well, there's-- there could have been if you could  
18 determine who-- if they fired a gun in town or if-- I mean,  
19 some of this is older information, so may not be relevant.

20 Q Okay. For example, a shotgun shell which appeared to  
21 be years old wouldn't be the basis for a crime, would it?

22 A Probably not.

23 Q And you would need something much more definitive than  
24 her statement that she thinks the Dorr boys fired the  
25 shotgun in order to charge someone with a crime, correct?

1 A Right.

2 Q And then at the end of that it says, quote, "On  
3 10/30/2006 at 8:50 a.m. Lois reported the Dorr boys took a  
4 large rock out of the drainage ditch and placed it on her  
5 front yard," correct?

6 A Correct.

7 Q And based on that information no-- no criminal charges  
8 were brought against Paul Dorr or any of his children,  
9 correct?

10 A Correct.

11 Q Now, okay, going back to Exhibit 1, I'd like to have  
12 you look at pages 3 and 4 of Exhibit 1.

13 A (Witness complying.)

14 Q Now, that's Paul Dorr's 2006 application for a  
15 concealed carry permit, correct?

16 A Correct.

17 Q And you signed that approving it on July 20, 2006,  
18 correct?

19 A Correct.

20 Q Now, that would be approximately three months after  
21 this incident report which you've-- which is attached to  
22 Exhibit 2, correct?

23 A Correct.

24 Q So despite this complaint by Lois Stahl that-- that the  
25 Osceola County Sheriff investigated, you issued the permit

1 to Paul Dorr for a concealed carry in 2006, correct?

2 A I didn't investigate that incident. Dan Minten did.

3 Q Sure.

4 A And I granted the permit in '06--

5 Q Okay.

6 A -- but there was another incident from Lois Stahl  
7 that's, I believe, after this. I'd have to check the  
8 records.

9 Q Okay. And-- well, I just want to get confirmation that  
10 this incident report is dated April 14, 2006, correct?

11 A Correct.

12 Q And Officer Minten was the reporting officer, correct?

13 A Correct.

14 Q You were the supervising officer, correct?

15 A Correct.

16 Q You would have had knowledge of this incident prior to  
17 Paul Dorr making his 2006 application, correct?

18 A I had knowledge of it, yes.

19 Q And you issued him the permit even though there was  
20 this incident report, correct?

21 A Correct.

22 Q And-- and you have made reference to some incident that  
23 you believe may have occurred after this incident report,  
24 correct?

25 A Yes.

1 Q And you didn't make any charges against Paul Dorr or  
2 any of his children based on that report either, did you?

3 A No.

4 Q Now, on this report-- at the bottom of this report, as  
5 we said, on-- it says, quote, "On 10/30/06 at 8:50 a.m. Lois  
6 reported that the Dorr boys took a large rock out of a  
7 drainage ditch and placed it on her front yard." It states  
8 that on this incident report from 2006, correct?

9 A Yes.

10 Q Would that seem to indicate to you that after the April  
11 2006 complaint Mrs. Dorr-- Mrs. Stahl made another complaint  
12 and the sheriff's department simply put it on the bottom of  
13 that report?

14 A That's what it looks like to me.

15 Q Okay. Would that indicate-- since a separate incident  
16 report-- well, let me strike that. Since a separate  
17 incident report was not made for the October 30, 2006  
18 complaint, would that indicate to you that the sheriff's  
19 department did not consider it terribly important?

20 A No. I consider it that Deputy Minten's being lazy. He  
21 should have made out another incident report, and I've had  
22 some issues with him on report writing.

23 Q Okay. And you had knowledge of this October 30, 2006  
24 report, correct?

25 A I-- I think I did. I remember that, but I don't know

1 if it's because I read it since then or if I knew it when it  
2 happened. I don't remember.

3 Q Okay. But regardless of what was complained about, you  
4 and Officer Minten made a-- made a decision that no crime  
5 had been committed?

6 A No, me and-- me and Mr. Minten didn't make a decision.  
7 He made a decision. This is a simple-- if it was a crime,  
8 it would be a simple misdemeanor, so it's-- it's-- it's a  
9 simple matter, this thing, in and of itself.

10 Q Okay.

11 A I took a report from Lois Stahl where she says she's  
12 scared to death of Paul and she didn't want anything  
13 pursued, didn't want him talked to because she's scared of  
14 him, doesn't want any hassle. She's an elderly lady and I--  
15 you know, I have to get you that report. I thought you had  
16 it.

17 Q Okay. But you-- you made the determination based on--  
18 even after your meeting with Mrs. Stahl, that Paul Dorr and  
19 his boys had not committed any crime?

20 A I didn't meet with Mrs. Stahl.

21 Q You talked to her on the phone?

22 A Not on this issue.

23 Q Well, when-- when did you talk to her?

24 A Well, I'd have to find that other report.

25 Q Do you recall what she was complaining about?

1 A It was-- it was something relatively minor like this,  
2 but what stuck in my mind was that she said she was scared  
3 to death of him, and the other people in the neighborhood  
4 were too, concerned.

5 Q Which other people?

6 A Well, like Dale Block, Kevin Hertz. Kevin Hertz told  
7 me he supported my decision on the gun permit.

8 Q What specifically has Dale Block told you with regard  
9 to Paul Dorr?

10 A Just thinks Paul Dorr's a nut, mentally unstable.

11 Q And what specifically did Kevin Hertz tell you about  
12 Paul Dorr?

13 A Just that he's-- they shared an office. He's known him  
14 for years. At one time Mr. Dorr, I think, was a good guy.  
15 He was respected, well liked in the community when he worked  
16 in the bank, but through the years he progressively has  
17 gotten more extreme and vicious and causes concern that they  
18 just think he's mentally unbalanced. Like I said before, I  
19 hear the word nut many, many times, and just concerned that  
20 he could snap and do something very foolish.

21 Q Now, when someone complains about someone else being a  
22 nut, that can mean simply that they disagree with their  
23 positions on various issues, correct?

24 A Could it mean that or--

25 Q Yes.

1 A In this case, no.

2 Q Well, I'm talking about people use nut to describe  
3 people that they disagree with on-- on political issues, for  
4 example; isn't that true?

5 A This has nothing to do with political issues.

6 Q Well, what does it have to do with?

7 A He just has a pattern of behavior through the years.  
8 Now-- now, Lois Stahl told me that they used to have potluck  
9 in the summertime as neighbors and-- but through the years  
10 he's just gotten stranger and stranger and weird, and just  
11 can't trust him.

12 Q In what ways has he gotten stranger and stranger and  
13 weirder and weirder?

14 A Well, he's just become more extremist, more radical,  
15 and I don't mean just his political thoughts. It's just his  
16 whole approach, the way he treats people.

17 Q And tell me what you mean by that.

18 A How he treats people?

19 Q Yes.

20 A Like Harriet VandeHoef wrote a very nice letter to the  
21 editor, just in part said that she doesn't like all the  
22 negative letters in the-- to the editor from-- she didn't  
23 name names, but she meant Mr. Dorr and Mr. DeKoter. It was  
24 a very nice letter, but--

25 Q Okay. Who's-- I'm sorry. Who's that again?

1 A Harriet VandeHoef. Her husband is Richard VandeHoef,  
2 retired senator from Iowa.

3 Q So she disagrees with-- she thinks Paul Dorr writes  
4 things in the paper that are too negative?

5 A She didn't say his name. She just-- she just didn't  
6 like seeing all the negative editorials in the paper--

7 Q Okay.

8 A -- about whatever.

9 Q So she didn't name Paul Dorr specifically, but you  
10 believe that she's talking about Paul Dorr?

11 A Yes.

12 Q So the beef she has with Paul Dorr is that he writes  
13 negative editorials?

14 A Well, I'm getting-- I'm trying to tell the story, but  
15 yeah.

16 Q Okay. Do you agree with me so far?

17 A Well, I don't know about what else she thinks, but...

18 Q Okay. Is that all that you know about what she thinks  
19 of Mr. Dorr and what-- why she's concerned about Mr. Dorr?

20 A Yes.

21 Q Okay. That he writes negative editorials?

22 A I talked to her husband about it because it affected  
23 him too, but...

24 Q Okay. Go on.

25 A Because--

1 Q Continue on.

2 A Well, the-- Mr. Dorr put-- or allegedly put fliers on  
3 car windshields while the VandeHoefs were in church at a  
4 church service so everybody who came out all had this-- his  
5 response to Harriet VandeHoef's letter.

6 Q And what-- what was that relating to? What were the  
7 fliers relating to?

8 A Well, about Harriet VandeHoef's letter to the editor  
9 about didn't appreciate all the negative things put in the  
10 paper.

11 Q Okay. There wasn't anything threatening or dangerous  
12 about this exchange of letters to the editor or fliers, was  
13 there?

14 A The-- the fliers just alarms people. You know, it's  
15 not normal. It's not what we see in northwest Iowa. You  
16 know, we just don't see that kind of behavior, and it  
17 angered and concerned the VandeHoefs. Rich VandeHoef told  
18 me afterward-- he says, well, he-- he thinks Paul Dorr is--  
19 has some mental health issues and he thinks that he's  
20 obsessed with being right and having the last word, so he  
21 didn't respond to it. He wanted to, but he-- but he didn't  
22 respond to it because of that reason.

23 Q Okay. Anything else?

24 A Well, I'm just-- no, not on that issue, no.

25 Q Okay.

1 A Well, I mean, I-- what was your original question?

2 Q Tell me-- my original question had to do, I think, with  
3 this evidence that you had or were relying on that-- based  
4 on conversations from people, that Paul was more radical.

5 What do you-- what do you mean by that?

6 A Well, just extreme. He's just an extremist. And I've  
7 had a-- a neighbor here-- his-- you know, that lives a few  
8 miles out of town is concerned, because his family lives  
9 close to Ocheyedan, and just is-- described Mr. Dorr as a  
10 jihadist, he's just an extremist. And he's just concerned,  
11 feels the same way.

12 Q What do you mean by a jihadist?

13 A Well, I don't know. You have to ask that person. I  
14 think he just meant extreme.

15 Q Who is that?

16 A Preston DeBoer.

17 Q Okay. Now, the-- the word jihadist reflects at least  
18 one way of-- is a Muslim holy warrior. Now, you're not  
19 taking Mr. DeBoer's comments as indicating that Paul Dorr is  
20 a Muslim holy warrior or something like that, are you?

21 A No, I'm not.

22 Q Okay. How are you using that word-- or how do you--  
23 how do you believe that Mr. DeBoer is using that word?

24 A I think, just an extremist, unreasonable extremist.

25 Q An unreasonable person?

1 A And extreme.

2 Q In terms of being difficult to argue with?

3 A In I'd-- probably everything.

4 Q Okay. Someone who wants to get the last word in?

5 A Well, that was what Rich VandeHoef said, get the last--

6 obsessed with being right and having the last word.

7 Q Okay. Obsessed with being right, what do you-- how do

8 you mean that?

9 A I don't know. You'd have to ask Mr. VandeHoef.

10 Q Okay. Now, you personally have known Paul Dorr since

11 you met with him back in the early 1990s, correct?

12 A Well, know of him, and personally I didn't-- you know,

13 we didn't pal around together, so I don't have that much

14 contact with him.

15 Q How many times have you been at the same meeting or

16 same room or-- with Paul Dorr over the years?

17 A I don't know.

18 Q Are we talking dozens, are we talking five? What's--

19 what's your best estimate?

20 A I don't know, maybe-- maybe 10, 12.

21 Q Okay. And as the sheriff you have the ability to meet

22 with Mr. Dorr and to investigate him, correct?

23 A Yes.

24 Q And in connection with these various complaints that

25 you've heard about Mr. Dorr you've not-- you've not had the

1 cause to investigate him, have you?

2 A A cause? You mean a criminal cause?

3 Q Yeah.

4 A No.

5 Q And if he were doing illegal things you could  
6 investigate him, correct?

7 A Correct.

8 Q And if there were complaints about Mr. Dorr that you  
9 believe rose to a criminal level you could investigate  
10 Mr. Dorr, correct?

11 A Correct.

12 Q But you haven't done so?

13 A Correct.

14 MR. PHILLIPS: It's 12:20, Counsel. What do you  
15 want to do?

16 MR. FAHNLANDER: Why don't we go about another 15  
17 minutes and then we can break for lunch. How's that sound?

18 (Off-the-record conversation.)

19 Q (BY MR. FAHNLANDER) Now, if-- if a person fears Paul  
20 Dorr, that's not the same as meaning that he's a danger to  
21 them, is it?

22 A It could be.

23 Q But it's not necessarily the same thing?

24 A In this case it is.

25 Q Okay. And why would that be-- why would-- why would--

1 if someone fears Paul Dorr, why would that constitute a  
2 danger?

3 A Well, for instance, Adri Ruisch told me that she--  
4 she was scared of him then and she still is afraid of him.  
5 And just a few years ago she did some teaching at the  
6 college. And I'm not-- I can't remember if it's the Sheldon  
7 college or if it was Orange City, but she had her husband  
8 come with her because she was afraid that she would be  
9 confronted by Paul Dorr. She was that fearful of him. So  
10 she was afraid to go out in the parking lot without her  
11 husband there and, you know, that just isn't normal. This  
12 is northwest Iowa and people just shouldn't have to live  
13 that way.

14 Q Was she afraid he would have a conversation with her?

15 A I-- she's just scared to death of him and always--

16 Q Did she say what she was afraid of? Was she afraid  
17 that he would talk with her and disagree her?

18 A No. I think it's much more deeper than that, I think.

19 Q What did she tell you about her fear?

20 A Well, I think she-- he's unpredictable, doesn't know  
21 what's gonna happen.

22 Q But would you agree with me that there's no evidence to  
23 date that-- that Paul Dorr has done anything dangerous to  
24 other people?

25 A Dangerous, no.

1 Q Okay. You-- okay. So you would agree with me that he  
2 hasn't done anything to date that's dangerous to other  
3 people?

4 A He hasn't assaulted anybody that I'm aware of or--

5 Q Okay. In other words you agree with my statement,  
6 correct?

7 A Correct.

8 Q Okay. Now, if you-- if you believed that Paul Dorr  
9 were a danger to people you could investigate him, correct?

10 A Well, it depends what it-- what it is.

11 Q Well, if it were serious you could investigate it,  
12 correct?

13 A Well, it depends what he did. We're in the department  
14 of what happened, you know, so-- what happened in a criminal  
15 matter. Okay?

16 Q And you haven't-- there aren't any incident reports  
17 other than the-- the one that you provided us, correct?

18 A Well, there should be another one.

19 Q Okay. Other than those-- those one or two, there--  
20 there aren't any others that you're aware of, are you?

21 A No, not that I'm aware of.

22 Q Now, your comment in-- in denying Paul his 2007  
23 application, the comment that, quote, "Don't trust him," end  
24 of quote, is there anything different about that portion of  
25 your statement than these concerns from the public that

1 we've been talking about?

2 A What do you mean by that?

3 Q Well, you wrote two things. You wrote, quote,  
4 "Concerns from public," and, "Don't trust him." Are they  
5 kind of the same thing in your mind or are those two  
6 separate things?

7 A Well, I don't-- you know, I don't trust him because I--  
8 I feel he's mentally unbalanced, he's not normal. He-- you  
9 know, I think I perceive him as a social bully. He's been  
10 trying to bully me for over two years now over this gun  
11 permit, and usually his bully tactics work because people  
12 get weary of his-- his bullying. They don't want to fight,  
13 they give up.

14 Q What-- what do you mean by bullying?

15 A Intimidation, putting scathing, vile letters in the--  
16 in the paper.

17 Q So he's verbally bullying, is that what you're--

18 A Yeah. I don't mean, you know, "Gimme your lunch  
19 money," I don't mean, "or I'll punch you."

20 Q You mean he's a bully in an argument or in a-- in  
21 writing letters?

22 A Excessively.

23 Q Okay.

24 A Excessively.

25 Q Is there-- is-- do you mean-- do you have anything else

1 to add to what you mean by bullying?

2 A Well, I guess I don't mean what you mean. I'm not  
3 saying like he's gonna grab somebody and steal their lunch  
4 money, but...

5 Q You don't-- you don't believe that's the case, correct?

6 A At this point he hasn't done that, but it wouldn't  
7 surprise me if he did.

8 Q Okay. So the evidence of bullying that you're talking  
9 about is in an argument or in letter writing you think he's  
10 a bully in trying to get his way?

11 A Yes.

12 Q Okay. And whatever-- whatever concern from the  
13 county-- or the citizens of the county or lack of trust that  
14 you've mentioned in your-- in your report, there wasn't  
15 enough there to open an investigation into Paul Dorr,  
16 correct?

17 A Well, I-- right, right.

18 MR. FAHNLANDER: Okay. Why don't we take a break  
19 now.

20 MR. PHILLIPS: Okay. It's as good a time as any  
21 for a break.

22 (Off the record from 12:28 to 1:16 p.m.)

23 Q (BY MR. FAHNLANDER) Sheriff, was your denial of Paul  
24 Dorr's application based on hearsay that you received from  
25 other people in the county?

1 A Well, it was a little more than what I'd call hearsay.  
2 Certainly I heard things, but I have been a cop for 30 years  
3 and I do have some-- you know, that intuition like I  
4 mentioned, gut feeling--

5 Q Okay.

6 A -- and just observation on how other people are treated  
7 and-- and, yeah, some hearsay in the county, sure.

8 Q Well, what-- what portion of your decision to deny Paul  
9 Dorr a concealed carry permit was based on something other  
10 than hearsay? Do you understand the question?

11 A Right. Well, I'm used to dealing with hearsay in a  
12 criminal matter. This obviously is--

13 Q Well, hearsay is what someone else told you as opposed  
14 to--

15 A Right.

16 Q -- your own personal observations.

17 A Right. And in a criminal matter we always try to  
18 substantiate anything like that, but in this case, I mean,  
19 we're talking about what Mr. Dorr's reputation is in the  
20 county, which is lousy. I mean, it is lousy, and he created  
21 it. He-- he won't understand that. He won't see that  
22 because he won't look in the mirror.

23 Q Okay.

24 A I mean, I'm just telling you just my observations. He  
25 won't look in the mirror and say, "Could this be me?" He'll

1 look out the window and find somebody or somebodies to blame  
2 for all of this.

3 Q Okay.

4 A So-- but if you put a man on the street, not Mr. Dorr,  
5 you know, and you just polled the people, they would have  
6 that impression of Mr. Dorr.

7 Q Okay. So that again is hearsay?

8 A Right.

9 Q What my question is getting at is, other than other  
10 people's opinions and so forth, what was the basis for your  
11 decision to deny Paul Dorr the concealed carry permit?

12 A What was the basis?

13 Q Yeah--

14 A Well--

15 Q -- other-- you know, other than these other opinions--  
16 these other people's opinions that you've told me about.

17 A Well, that would be it.

18 Q Just simply the hearsay from other people?

19 A Well, hearsay and seeing how he treats other people and  
20 how he makes them feel and puts them in fear and--

21 Q Well, what-- what personal observations have you made  
22 about how Paul treats people?

23 A Well, I seen how he treated me, tried to bully me for  
24 over two years now.

25 Q You mean since your decision to deny him the permit?

1 A Yes.

2 Q Okay.

3 A Yeah.

4 Q Well, what I'm trying to get at is, prior to your  
5 decision to deny him his permit what-- what information or  
6 what evidence that's not hearsay provided you the-- the  
7 basis for denying him his permit?

8 A Well, I would say most of it is hearsay.

9 Q Okay. Is all of it hearsay?

10 A I-- well, I would have to think about that, but I-- I'd  
11 say a good portion of it is.

12 Q Well, and I'm-- you know, I'm just asking the question,  
13 is there anything that you can think of as you sit here  
14 that's not hearsay that formed your basis for denying him  
15 his concealed carry permit?

16 A No.

17 Q Okay. Now, Paul Dorr came into your office to meet  
18 with you about his concealed carry permit application,  
19 correct?

20 A Correct.

21 Q And during that meeting you told him that you were  
22 denying him his permit, correct?

23 A Correct.

24 Q You didn't give him any opportunity at that meeting to  
25 change your mind, did you?

1 A No.

2 Q Your mind was already made up, right?

3 A Right.

4 Q And since that decision to deny him his permit you  
5 haven't given him any opportunity to change your mind,  
6 correct?

7 A Correct.

8 Q And there isn't any process for him to-- to change the  
9 result from your denial, is there?

10 A Well, he can reapply.

11 Q Reapply in another year or the same year?

12 A Well, probably within a year. He just did that in  
13 October. I haven't acted on it yet, but he reapplied for  
14 his permit to carry.

15 Q But you sent him a letter saying that even if he  
16 reapplied you wouldn't give him the permit; isn't that true?

17 A Correct.

18 (Deposition Exhibit No. 3 marked for identification.)

19 Q Sheriff Weber, I'm showing you what's been marked as  
20 Exhibit 3. Do you recognize Exhibit 3?

21 A Yes.

22 Q That's a letter that you wrote on or about July 24,  
23 2008?

24 A Correct.

25 Q And it's a letter that you sent to Paul Dorr?

1 A Yes.

2 Q And that's your signature at the bottom?

3 A Yes.

4 Q Okay. In that letter you are confirming that you're  
5 denying Alexander Dorr's application for a permit to carry,  
6 correct?

7 A Correct.

8 Q And you would only consider a new application from him  
9 after he turns 21, correct?

10 A Correct.

11 Q And you're granting Paul's wife Debra a permit--

12 A Correct.

13 Q -- to concealed carry?

14 A Yes.

15 Q Okay. And you indicate in your last sentence that,  
16 quote, "I have previously denied your application and would  
17 deny any new application from you," end of quote, correct?

18 A Correct.

19 Q And is that your thinking to this day?

20 A Yes.

21 Q Okay. And you've never given Paul Dorr an opportunity  
22 to respond to the complaints that you've articulated today  
23 that other people think he's a nut?

24 A Right.

25 Q And, now, it's a small county and you have had the

1 opportunity or could have the opportunity to talk to Paul  
2 and determine for yourself whether he's a nut, correct?

3 A Well, I have some indications, yes.

4 Q Now, did you ever suspend applications for concealed  
5 carry permits in-- in July 2008?

6 A On-- on anybody?

7 Q On anybody.

8 A I'd have to look at the-- the record.

9 Q Okay. Are you-- are you familiar that Dan DeKoter has  
10 claimed that you quit issuing-- or that the application  
11 process was suspended?

12 A Oh, he-- yeah, he recommended that, but I didn't--  
13 didn't adopt that.

14 Q Okay.

15 A That would have been around the time he was doing the  
16 criteria thing, I-- I believe.

17 (Deposition Exhibit No. 4 marked for identification.)

18 Q I'm showing you what's been marked as Exhibit 4. And  
19 there's also another exhibit marker that says, "2," on it,  
20 but it's Deposition Exhibit 4. Do you see that?

21 A Yes.

22 Q And are-- have you seen this letter before?

23 A I-- I believe I have.

24 Q Okay. And this is a letter from Daniel DeKoter to Paul  
25 and Debra Dorr dated July 10, 2008, correct?

1 A Correct.

2 Q And he says in paragraph two, "Effective July 10, 2008  
3 the Sheriff of Osceola County is suspending-- suspending the  
4 issuance of concealed weapon permits pending consideration  
5 and adoption of written permit criteria." I'll stop there.  
6 And you disagree with that statement by Mr. DeKoter?

7 A Well, he said that, but I didn't adopt that, so I  
8 didn't follow that.

9 Q Okay.

10 A I just kept on renewing applications or-- or new ones  
11 or whatever came over my desk.

12 Q Okay. So you didn't actually suspend issuance of  
13 concealed weapon permits?

14 A No.

15 Q Now, concealed weapon permits, does that apply to  
16 anything other than handguns, in your opinion?

17 A It's for handguns.

18 Q Just for handguns?

19 A Yes.

20 Q Okay. I was just wondering-- it says, "concealed  
21 weapons," and I was wondering if that applies to anything  
22 other than handguns or is it your understanding that it's  
23 just handguns?

24 A Well, I-- I suppose it could apply to a knife, but  
25 that's not usually why people are applying. It's for

1 firearms, handguns.

2 Q Okay. And I'll read Section 724.8, the first  
3 sentence. It says, quote, "No person shall be issued a  
4 professional or nonprofessional permit to carry weapons  
5 unless," and I'm just-- you interpret the weapons-- the word  
6 weapons as meaning handguns?

7 A Yes.

8 Q Okay. Now, in paragraph 5 it says, "The issuing  
9 officer reasonably determines that," then it goes over that  
10 language that we've already talked about. Who is the,  
11 quote, "issuing officer," end of quote, as used in  
12 724.8(5)?

13 A That would be the sheriff.

14 Q That's you?

15 A Yes.

16 Q Okay. And does anyone other than you at the-- at the  
17 county-- Osceola County issue the permits or is it just you?

18 A Just the sheriff.

19 Q Okay. And have you ever given anyone else the  
20 authority to issue those permits?

21 A No.

22 Q And during the time that you've been sheriff-- are you  
23 the highest ranking law enforcement person in the county?

24 A Well, the county attorney might say he is, but--

25 Q Okay.

1 A -- yeah, yeah.

2 Q And you develop the criteria for deciding whether to

3 issue a concealed carry permit?

4 A Correct.

5 Q Okay. Well, does the county attorney do that?

6 A No.

7 Q Has he ever issued any written-- or any-- any guidance

8 to you to issue concealed carry permits?

9 A We-- we've talked about it.

10 Q And who is the county attorney?

11 A Bob Hansen.

12 Q And has he been the county attorney the entire time

13 you've been sheriff?

14 A Yes, yep.

15 Q So-- but so far he's allowed you to make the decision

16 about whether to issue concealed carry permits?

17 A Correct.

18 Q And he's allowed you to develop whatever policy is

19 necessary to issue concealed carry permits?

20 A Well, I don't know if allow is the right word, because

21 I don't think he can prevent me, but--

22 Q I see.

23 A -- right, I-- it's my policy, my decision.

24 Q Okay. Okay. He hasn't-- he hasn't made the policy

25 that you follow in issuing the concealed carry permits?